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ROYAL COMMISSION ON MATTERS OF HEALTH AND SAFETY  
ARISING FROM THE USE OF ASBESTOS IN ONTARIO

CHAIRMAN: J. STEFAN DUPRE, Ph.D.

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Mr. D. Starkman	Asbestos Victims
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Mr. N. McCombie	Injured Workers Consultants
Mr. R. Evans	Manville Canada Inc.

180 Dundas Street  
Toronto, Ontario  
Monday,  
June 28, 1982  
Morning Session  
VOLUME 45 A







ROYAL COMMISSION ON MATTERS OF HEALTH AND SAFETY

ARISING FROM THE USE OF ASBESTOS IN ONTARIO

VOLUME 45 A

INDEX OF WITNESSES:

BRUCE CALVIN MACHIN	Examination-in-chief (Dupre)	Page 3
	Cross-examination (Lederer)	Page 65
	Cross-examination (Starkman)	Page 70
	Cross-examination (Jolley)	Page 99
	Cross-examination (McCombie)	Page 106
	Cross-examination (Laskin)	Page 107
	Cross-examination (Starkman)	Page 125
	Cross-examination (Lederer)	Page 128

INDEX OF EXHIBITS:

EXHIBIT # 68	List of tonnages of various asbestos fibers used in J-M transite pipe section	Page 62
EXHIBIT # 69	Scarborough Board of Health resolution re J-M, 1975	Page 121
EXHIBIT # 70	"Smoking and Asbestos" notice to J-M employees, May 29, 1975	Page 126

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9:00 a.m. Session

Volume 45 A

THE FURTHER PROCEEDINGS IN THIS INQUIRY  
RESUMED PURSUANT TO ADJOURNMENT

APPEARANCES AS HERETOFORE NOTED

DR. DUPRE: May we come to order, please?

This morning the Commission greets Bruce Machin,  
the vice-president of Manville Canada Incorporated, and it  
greets a new addition to the counsel table, Mr. Rick Evans,  
appearing for Johns-Manville, which is a party with standing  
before this inquiry.

The Commission's counsel, Mr. Laskin, is detained  
in court, but we expect him around eleven o'clock or so.

So may I please, Miss Kahn, ask you to swear the  
witness in?

BRUCE CALVIN MACHIN, SWORN


EXAMINATION-IN-CHIEF BY DR. DUPRE

DR. DUPRE: Mr. Machin, could I just begin by  
asking you please to tell us a little bit about your educational  
background?

THE WITNESS: Yes, sir.

I went to public school in Streetsville, Ontario,





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5 THE WITNESS: (cont'd.) Canada, and went to high school in Brampton, Ontario, Canada, and went to Carlton University in Ottawa, Ontario. I graduated in 1962 in mechanical engineering with merit of distinction, and then came to work.

DR. DUPRE: You have been with Manville ever since?

THE WITNESS: Yes, I have.

DR. DUPRE: Ever since you graduated?

10 THE WITNESS: Yes, sir.

DR. DUPRE: Are you a professional engineer?

THE WITNESS: Yes, I am.

DR. DUPRE: Could you tell us a little bit about your employment history with Manville?

THE WITNESS: Yes.

15 My first summer with Manville was in 1960, as a worker on the floor in the spintex department, as a summer student working on the floor as an hourly employee.

The second summer....

DR. DUPRE: May I ask where the spintex department was located?

20 THE WITNESS: Yes, it's in the insulation building in the Toronto plant.

DR. DUPRE: In Scarborough?

THE WITNESS: Yes, that's correct.

I worked as a laborer on the takeoff of the number three and four spintex units.

25 The second summer I worked as an industrial engineer in the industrial engineering department, again as a summer student.

30 Upon graduation, I then became employed on a permanent basis with the company, at the Toronto plant, as an industrial engineer, which would be from spring of 1962 until the end of that year, following which I went into the maintenance





THE WITNESS: (cont'd.) department.

I worked virtually all of 1963 as a maintenance supervisor in the transite pipe department.

About the end of 1963, I went back to the industrial engineering department and worked there as an industrial engineer until about 1967, when I became industrial engineering supervisor for that department.

I was industrial engineering supervisor for a couple of years, and then went to the division as production engineer. I was no longer located at the Toronto plant. I was working out of the Port Credit office, looking after responsibility with the Toronto plant still, as well as North Bay and Asbestos.

In 1973, I went back to the Toronto plant as plant manager, until 1978. In 1978, I went to Denver, Colorado, to a job there in engineering, and stayed there until about the end of May of the same year, a very short...and then transferred to our plant in Alberta, at Innisfail, as plant manager of our Innisfail and Fort Saskatchewan plants, both in Alberta.

DR. DUPRE: This is in what year?

THE WITNESS: In 1978.

DR. DUPRE: Oh, I'm sorry. I traced you to Denver in 1978, and then you left Denver?

THE WITNESS: Yes. In January of 1978, I went to Denver. Then I came back to Canada at the end of May of the same year.

DR. DUPRE: I see. Okay.

THE WITNESS: And went to Alberta, and stayed in Alberta until February, or thereabouts, of 1979, and then returned to Toronto, as production manager again.

I stayed in that responsibility until March of 1981, when I took on the responsibilities of general production manager, which I presently am, still.



5 DR. DUPRE: Could I bring to your attention the little chart that is on that board, which was left behind by Mr. Cashman when he was here last week?

Can you locate your position on that chart?

THE WITNESS: That would be over in the extreme right box, vice-president of production.

10 DR. DUPRE: Let me see if I understand the following: that makes you vice-president, production, of Manville Canada Inc., correct?

THE WITNESS: That's correct.

DR. DUPRE: It also, simultaneously, makes you the general production manager?

15 THE WITNESS: Yes, I am a vice-president of Manville Canada Inc., and general production manager.

DR. DUPRE: As general production manager, to whom do you report?

THE WITNESS: Directly to the general manager.

DR. DUPRE: That's the division general manager?

20 THE WITNESS: Yes.

DR. DUPRE: Mr. Cashman, who also holds the title of president and chief executive officer of Manville Canada.

THE WITNESS: Yes.

25 DR. DUPRE: Is there any difference, that you have been able to detect, between the reporting relationship that you hold in your capacity as general production manager to Mr. Cashman as the division general manager, and on the other hand, your relationship to him in your capacity as vice-president of production, in terms of his capacity as president and chief executive officer?

30 THE WITNESS: I would say no difference, because I have not had any relationship as far as vice-president goes, per se. I think as general production manager that is my function in the





THE WITNESS: (cont'd.) division.

If you rephrase the question, I might understand it better.

DR. DUPRE: I think really what I'm trying to ascertain is basically the same actual situation as I was trying to ascertain from Mr. Cashman when he was here. In direct response to a question that I posed to Mr. Cashman, his answer was that essentially his position as president and chief executive officer of Manville Canada can be taken as something of a paper title, with his corresponding position as division general manager being the position that actually conveys and portrays in fact his reporting relationship within the company and vis a vis the plant.

So I guess my question would be: Therefore, is your title as vice-president of production basically a paper title with your position as general production manager being the position title that best conveys in fact your own reporting relationship?

THE WITNESS: Yes, that's true.

DR. DUPRE: Okay.

Now, could I ask you, Mr. Machin, please, if you could sketch for us the individuals who report directly to you in your capacity as general production manager? Maybe that would be very useful if you could use the board.

THE WITNESS: Do you wish me to leave this, or...?

DR. DUPRE: Why not, and if you can...

DR. UFFEN: Just remove the 'please to not remove', and give yourself a little...

DR. DUPRE: Yes. Remove the 'please do not remove', and you can start sketching under the V-P production box.

(REPORTER'S NOTE: At this point the witness proceeded to the board to make a sketch.)





5 DR. DUPRE: At this point could you perhaps just describe in your own words what you have sketched on the board, so that it can be picked up by the record?

THE WITNESS: Yes.

I have three plant managers that report directly to me, the one at the extreme left being the plant manager for our plants at Innisfail, Alberta, and Fort Saskatchewan, Alberta. He, of course, is located in Alberta, in Innisfail.

10 The next is the plant manager of Toronto plant, who is located at Toronto plant.

The next is the plant manager at Montreal plant, in Beausard.

15 The next two is the manager of division engineering, who reports directly to me and is located at the head office in Etobicoke, and we have a senior division engineer who also reports to me, and is at Etobicoke.

And off to the side I have the secretary at the office.

Those six people report directly to me.

20 DR. DUPRE: Now, could I perhaps ask you to tell us a little bit about your relationship to the individuals who are the industrial hygienists in the several plants whose managers report to you?

THE WITNESS: What sort of...the working relationships, or...?

25 DR. DUPRE: I would like you to...yes, I would like you to first of all describe their working relationship. To whom do these industrial hygienists report, for a start?

THE WITNESS: Okay.

30 They are not located at the many plants. The two hygienists are at the Toronto plant.

DR. DUPRE: I'm sorry. The industrial hygienists



DR. DUPRE: (cont'd.) you said, are at the Toronto plant?

THE WITNESS: Correct.

DR. DUPRE: And you said they are not where, at the other plants?

THE WITNESS: They only visit the other plants. They are not stationed there.

DR. DUPRE: I see. So the industrial hygienists are stationed in the Toronto plant?

THE WITNESS: Correct.

DR. DUPRE: But visit the others?

THE WITNESS: Correct. They do not report through the Toronto plant management. They report to Denver.

DR. DUPRE: All right.

THE WITNESS: To the industrial hygiene section down there. I don't know the correct title of it, but through that function.

DR. DUPRE: All right.

Perhaps at this point in time it might be useful if we put on the screen the slides that were entered as evidence when Mr. Cashman was here, so that we could see if they would be of help to the witness in elaborating on this.

We do not have the slides at the moment?

MISS KAHN: We don't have the slides. We have hardcopy upstairs, but...

DR. DUPRE: Okay. Perhaps if we could get the hardcopy while I pursue a few more questions with the witness here.

Now, I take it, then, Mr. Machin, that the industrial hygienists do not have a reporting relationship either to the plant managers or through the plant managers to you, in your capacity as general production manager?





THE WITNESS: That's correct.

DR. DUPRE: To whom, then, do they report? Do they report to Denver directly?

THE WITNESS: Correct.

DR. DUPRE: Okay. Now, in terms of their reporting relationship to Denver, are you aware of the reports that they go in to Denver? In turn, are you aware of any directives or other correspondence that they receive from Denver?

In other words, are copies of what they transmit to Denver and what they get back from Denver, placed in your hands?

THE WITNESS: Yes, I am aware of the information that goes to Denver, because the hygienist has the hygienist has an exit interview at a plant location before he leaves that location, with the plant manager.

DR. DUPRE: He has an exit interview with the plant manager before he leaves?

THE WITNESS: Correct. Correct.

DR. DUPRE: I see.

THE WITNESS: Exactly what is written to Denver, I don't know. What comes back, yes, I get a copy of it.

DR. DUPRE: You do get a copy of what comes back...

THE WITNESS: From Denver.

DR. DUPRE: From Denver?

THE WITNESS: Correct.

DR. DUPRE: Now, do I take it from this that what you are describing is a situation where basically the industrial hygienist, when he enters a plant...for example, to take air samples...basically does so in his capacity as a corporate employee who is reporting back to Denver, and at this point the purpose of the exit interview from the plant is to make a plant



DR. DUPRE: (cont'd.) manager aware of whatever observations the industrial hygienist wishes to communicate to Denver?

THE WITNESS: I believe that's correct on both questions.

DR. DUPRE: Okay. All right.

Now, what has been put in front of you, Mr. Machin, is two organization charts that were entered into evidence by Mr. Cashman last week. One of these organization charts is headed Johns-Manville Corporation Organization Pre-1980. A second is headed Manville Corporation Organization 1982.

Now, with the help of these charts and perhaps...well, I leave it up to you whether you want the focus on 1982 or pre-1980 initially, but I would understand...perhaps I should ask you this as a question: You have been the production engineer since March of 1981, correct?

THE WITNESS: That's correct. Prior to that.

DR. DUPRE: So does that mean that the organization chart, 1982, really reflects the organization chart under which you have had your experience in your capacity as the general production manager?

THE WITNESS: Would you repeat that again? The reason I ask you to repeat it is, I was production engineer for two periods of time, and yes, I was production engineer in March of 1981.

DR. DUPRE: Right. But you were production engineer until March of 1981, as I understand it?

THE WITNESS: That's correct.

DR. DUPRE: After March, 1981, you became the general production manager?

THE WITNESS: That's right.

DR. DUPRE: And occupied the box that is in blue,





DR. DUPRE: (cont'd.) that you sketched on the organization chart?

THE WITNESS: That's right.

DR. DUPRE: Now, can I take it that in that capacity - namely, your capacity as general production manager, the organization chart that is relevant to your experience is the organization chart that is headed Organization 1982?

THE WITNESS: Yes, to the best of my knowledge, through my flow, it is.

DR. DUPRE: Okay.

Now, let's get to the matter, then, of where your industrial hygienists report. Do they report to one of the senior vice-presidents that is in the center of the organization chart where we see the overlapping boxes that include the senior vice-president for the Manville International Corporation, or do they report instead, in Denver, to the individual, or the office of the individual whose position is described by the box Senior Vice-president HS and E?

THE WITNESS: The latter is correct.

DR. DUPRE: So they report directly, then, to that particular office?

THE WITNESS: That's right.

DR. DUPRE: And the flow of communication back and forth comes from that office?

THE WITNESS: Correct.

DR. UFFEN: Could I ask a question?

DR. DUPRE: If you please, Dr. Uffen.

DR. UFFEN: Is that connection what we might call a dotted line connection, rather than a solid line on an organization chart?

Or put another way, are they on your Toronto office for pay, but for reporting, report to the Denver vice-president, HS and E?



THE WITNESS: It would be called a dotted line relationship, in our terminology.

5 DR. UFFEN: And am I right that they probably get paid through your office?

THE WITNESS: I don't know.

DR. UFFEN: I would take it that they probably don't.

10 THE WITNESS: I don't know where their paycheques come from.

DR. UFFEN: I see.

DR. DUPRE: Now, would they, incidentally, be hired, engaged, by either the plant manager, or Manville Canada Incorporated, or would they be engaged by Manville Corporation in Denver?

15 THE WITNESS: In Denver.

DR. DUPRE: They would be hired, engaged, by the Denver operation?

THE WITNESS: The individuals presently in those positions were previous employees in different capacities, but selecting them for those positions, as you have indicated, would be done by Denver.

20 DR. DUPRE: Once in such a position, would the individual involved have his performance as an employee assessed by the HS and E division, or would your particular position have an input into their evaluation as employees?

25 THE WITNESS: Both would be correct. They would be done by Denver, but if we had input, we would make it.

DR. DUPRE: Okay.

30 Now, may I now ask a few questions about your earlier experience in the positions you have held, particularly going back to your early positions as an industrial engineer until 1967, and then as production engineer when you were located





DR. DUPRE: (cont'd.) at the Port Credit office?

I take it that these engineering positions were all, as the title would seem to describe, on the production side of the plants, and that they did not have anything to do with industrial hygiene?

THE WITNESS: They were almost entirely to do with engineering. However, as I recall when first joining the Toronto plant, the industrial hygiene work was done by an industrial engineer for some period of time...out of that office.

DR. DUPRE: Out of which office?

THE WITNESS: The industrial engineering department office.

DR. DUPRE: I see.

Now, at the time when the hygiene work was being done by the industrial engineer operating out of that office, what was the reporting relationship of the industrial engineer who was doing the hygiene work? Was it a reporting relationship that linked him back up to HS and E, or was it a reporting relationship elsewhere?

THE WITNESS: Going to the other chart, Pre-1980, I am not sure. I do know that the industrial engineer, and I think of the individual, reported to the industrial engineering supervisor. This is in the early sixties.

DR. DUPRE: Now, the industrial engineering supervisor, I take it, would have been found, if we are looking at the pre-1980 organization chart, in the box that has the initials that stand for Canadian Products Division?

THE WITNESS: Correct.

DR. DUPRE: So basically his reporting relationship would have been to the division general manager?

THE WITNESS: At that time, yes.

DR. DUPRE: Okay. Now, does this suggest that until



5 DR. DUPRE: (cont'd.) an industrial hygienist was brought in that such functions as were performed by an industrial engineer, that involved a hygiene function, were hygiene functions that did not involve back-and-forth communications with HS and E, which in the Pre-1980 chart, of course, appears where you find it?

10 THE WITNESS: I don't know that. I do know that the industrial engineer took the samples, and I don't know what he did with them - whether he reported them to the division or whether he reported them outside the division. That's not part of my responsibility.

DR. DUPRE: I see.

15 Now, let's go back to that period from 1969 on. At that particular period, you were in the division as a production engineer located in the Port Credit office?

THE WITNESS: That's correct.

DR. DUPRE: You did not have supervisory responsibility over industrial engineers, at that time?

THE WITNESS: Dotted line.

20 DR. DUPRE: Dotted line. You had a dotted line? The straight black line between these industrial engineers would have gone to whom?

25 THE WITNESS: To the plant manager, to the general production...or to the plant manager, to the division manager.

DR. DUPRE: Well, then, can I take it that the industrial engineers, insofar as they were doing hygiene work, taking measurements and so forth, were then at this time simply reporting their findings to the plant manager?

30 THE WITNESS: There was only one industrial engineer that I know, doing that, and I don't know who he gave his findings to.





THE WITNESS: (cont'd.) The reason I know that is because I saw him with his equipment, in the office.

5 DR. DUPRE: Now, can you help us by pinpointing, if you can, the time at which hygiene work stopped being performed by the industrial engineer and started being performed by an industrial hygienist with a reporting relationship into HS and E in Denver?

10 THE WITNESS: I'm afraid I can't. I could say that it would be prior to my being industrial engineering supervisor, because I did not have that function when I took that responsibility, which was in 1967.

15 DR. DUPRE: Let me see if I have that straight. You became supervisor in industrial engineer in 1967?

THE WITNESS: Correct.

20 DR. DUPRE: Now, from the time at which you became the supervisor...that is, in 1967...from that time, to the best of your knowledge, the hygienists were reporting to Denver?

THE WITNESS: They did not report to me.

25 DR. DUPRE: They did not, so then it would be some time before 1967?

THE WITNESS: Correct.

30 DR. DUPRE: So that basically I can take it that a direct reporting relationship linking industrial hygienists directly to HS and E in Denver, dates from 1967 or before?

THE WITNESS: I believe so.

35 DR. DUPRE: Now, could I ask you the following: With respect to the taking of measurements by industrial hygienists, with respect for example to the frequency at which dust samples have been taken, are we looking at a situation where... and I'm going to be speaking from 1967 on up...the determination



5 DR. DUPRE: (cont'd.) of the frequency of air measurements is basically a matter that is determined by the industrial hygienist in his reporting relationship to HS and E?

THE WITNESS: I believe that to be correct. The frequency in timing was governed from that.

10 DR. DUPRE: So basically a plant manager, then, would not have any say in the frequency of air measurements. This would be something that would be determined by the industrial hygienists, presumably either in consultation with or on instructions from, Denver?

THE WITNESS: Essentially correct, but the plant manager could request additional studies if he so wanted.

DR. DUPRE: Did this ever happen, to your knowledge?

15 THE WITNESS: Yes.

DR. DUPRE: Could you describe that...some of these situations?

20 THE WITNESS: An incident where a station would be over TLV, and we would make some corrective measurements, changing equipment or rectifying a problem, and would then request a repeat survey of sampling be evaluated to see if the problem had been corrected or improved, and to what level.

DR. DUPRE: How would you find out whether the measurements were over TLV?

25 THE WITNESS: The hygienist, when he was taking the samples in the plant, would comment at that particular time if something was what he would indicate to be amiss.

30 It takes some time to have the actual results, but he has an awareness from his experience in that field. If it was that critical, he would mention it then. He would also have an opportunity at the exit interview, and then when the actual results were determined, the report would come out giving the hard facts as to what the results were.



5 DR. DUPRE: Now, the results which you have stipulated were some time in coming, were results that came from Denver? Because the air samples would be sent there?

THE WITNESS: No.

DR. DUPRE: No? What did an industrial hygienist do with the samples that he collected?

10 THE WITNESS: Initially, prior to the lab being set at the Toronto plant, they were taken to Asbestos, and determined there. The lab was relocated in Toronto, then the results were determined at the Toronto plant.

When I say Toronto, I mean Toronto plant.

DR. DUPRE: Can you recall when the lab was located, came to be located in Toronto?

15 THE WITNESS: No, I can't.

DR. DUPRE: In part of your experience, though, the lab was not in Toronto?

THE WITNESS: Correct.

20 DR. DUPRE: So I can take it that the lab was moved to Toronto some time after 1967, is it, or some time after 1962?

THE WITNESS: The lab moved when Mr. Stevens came to Toronto plant, which I would not be sure of the date, the year.

DR. DUPRE: May I ask who Mr. Stevens was?

THE WITNESS: The hygienist.

25 DR. DUPRE: The hygienist.

Is that the Mr. Stevens who is sitting in this room at the moment?

THE WITNESS: That is correct.

30 DR. DUPRE: To your knowledge, during the period when hygienists were taking readings, during which they comment to the plant manager from time to time, at their exit interview, that certain actions should be taken, may I ask during this same





DR. DUPRE: (cont'd.) period where you describe these actions, were government hygienists active in taking samples in the Toronto plant?

THE WITNESS: Yes.

DR. DUPRE: Do you have any knowledge of the extent to which they worked with the company hygienists, or otherwise co-operated with them, in taking samples?

THE WITNESS: To my knowledge, they took their own samples. I recall joint work on some samples.

DR. DUPRE: Now, when the government hygienists took their samples, who would receive a report on the readings that they had taken?

THE WITNESS: As plant manager, he would receive them. Who else, I'm not sure, but the plant manager would receive them.

DR. DUPRE: Now, you were the plant manager in Toronto from 1973 to 1978?

THE WITNESS: Yes.

DR. DUPRE: Now, can I take it that during this period you would regularly receive readings taken by government hygienists?

THE WITNESS: I don't know what regularly means, but I received some.

DR. DUPRE: Okay. Let's leave it that you would receive some readings from government hygienists. Can I take it that you also would receive readings from your own industrial hygienists?

THE WITNESS: Yes.

DR. DUPRE: What did you do with the information that you would receive from (a) the government hygienists, (b) your own firm's industrial hygienists?

THE WITNESS: The first general action would be to



THE WITNESS: (cont'd.) review that with the employee relations manager, to ascertain if there were any problems.

5 DR. DUPRE: Okay. I want to ask you a couple of questions about that in a moment, but can we just round out the picture? The first thing, you said, would be that you would review these with the employee relations manager. Could you tell us what else would happen?

10 THE WITNESS: Once we had looked over what the results actually were, we would determine whether or not there were problem areas. If there were problem areas, then we would get a hold of the department head, usually, and the plant engineer, and try and determine what were the conditions at that particular point in time - such as product being run or equipment being operated.

15 Many other things could happen, such as contacting the hygienist to go back and find out his last report. A diverse number of things could happen, depending on the results and so on.

20 DR. DUPRE: Now, can I take it that you have just reviewed for us what was done with readings, findings, that you would receive from the government hygienist?

(REPORTER'S NOTE: No audible response.)

25 DR. DUPRE: If I switch back to the company hygienists, would they have shared their findings with you directly, or would their findings have been sent to you from HS and E in Denver?

THE WITNESS: 'They' being who, the hygienists?

DR. DUPRE: Yes. The company hygienists.

THE WITNESS: As mentioned earlier, he would review the findings with us before he even left the plant.

DR. DUPRE: Okay.

30 THE WITNESS: Then we would also have the formal report afterwards.





5 DR. DUPRE: Now, in your recollection, would the findings of your company hygienists and the findings of the government hygienists basically have been findings that confirmed one another, or were they divergent findings from time to time?

THE WITNESS: Both statements are correct.

DR. DUPRE: When the statements divert, what happens?

10 THE WITNESS: The review that I would hold with probably the employee relations and plant engineer, and superintendent, would try and assess whether or not there was some significant change that had happened between the two results... because they were not usually taken at the very same time.

15 We would try and rationalize why the difference had occurred. We could have those differences still within TLV, or differences within and without.

We would generally look for a trend or a change. If necessary, we would ask for another evaluation by our own hygienist, get an update.

20 DR. DUPRE: Would it be at all common, to your knowledge, if and when the findings diverge, for the government and company hygienists to try to get together to sort out what might be the reasons for the divergence, if any?

THE WITNESS: I recall they did that on occasion.

DR. DUPRE: They did that.

25 Was the result of such meetings something that yielded a pattern that, namely, more often than not they could explain the differences, as opposed to letting the differences stand, perhaps because of the different times at which the readings had been taken, and so on and so forth?

30 THE WITNESS: It would be difficult for me to comment on that.

DR. DUPRE: Now, let's go back to your first step,



5 DR. DUPRE: (cont'd.) as you described it, which was, as I understood it, that you would receive findings from government hygienists and if you saw any reason to do so, as I understand it, you would review these findings with the employee relations manager?

THE WITNESS: That's correct.

10 DR. DUPRE: May I ask why you would review these findings with the employee relations manager?

10 THE WITNESS: He was, in my opinion, the number two person at the plant, responsible, and therefore was the best one to consult with in that field.

DR. DUPRE: He was the number two person at the plant responsible for what, sir?

15 THE WITNESS: The health, safety and wellbeing of employees.

DR. DUPRE: I see. Now, that employee relations manager had a direct reporting relationship to you?

THE WITNESS: Correct.

20 DR. DUPRE: Now insofar as he had a direct reporting relationship to you as the individual with prime responsibility for the health and safety of the employees, where did his relationship to Denver come into the picture?

THE WITNESS: In which area?

DR. DUPRE: The health and safety of employees.

25 THE WITNESS: He had a number of dotted lines to Denver - to health, safety and environment, to labour relations, to employee relations, to employee relations managers of other plants of similar-type operation, all relating to this.

30 DR. DUPRE: So of course may I then ask you the following: insofar as you might be reviewing some of these readings with your employee relations manager, and insofar as he is related to health and safety, insofar as they may have



5 DR. DUPRE: (cont'd.) related to other aspects of industrial relations, would it be correct to say that your relationship with this employee relations manager was at one and the same time a relationship to a corporate subordinate of yours, and also a relationship to an individual who might be instructed or otherwise receive directives from HS and E in Denver?

THE WITNESS: Could you run that by me again?

10 DR. DUPRE: Okay. I take it the employees relations manager, whom you have described as the number two person at the plant responsible for health, safety and environment, among other things, I take it that this employee relations manager had a direct reporting relationship to you, was directly subordinate to you?

15 THE WITNESS: Correct.

DR. DUPRE: Now, when you would deal with this individual in terms of reviewing the findings of hygienists, you are evidently dealing with, at this point, an individual who was subordinate?

THE WITNESS: Correct.

20 DR. DUPRE: Now, were you also, in dealing with that same individual, dealing with someone who, outside of his subordinate relationship to you, had a relationship to Denver such that he might communicate to you either policies or findings from Denver which, once communicated to you, you would have to really accept because they came from higher up in the corporate hierarchy, so  
25 that you would accept these from your subordinate as an individual who had, so to speak, transmitted these policies from above?

THE WITNESS: If they were policies in effect and he reminded me of them, yes.

30 DR. DUPRE: Now, may I ask you this, in the time period in which you would be reviewing the findings of government hygienists with your employee relations manager, was there a joint





DR. DUPRE: (cont'd.) health and safety committee, a joint management/labour health and safety committee in the plant?

5 THE WITNESS: We have had joint safety committee for years, at the plant. How far back they go, I'm not sure.

We have also had union/management meetings at the plants. How far back they go, I'm not sure.

10 DR. DUPRE: But to the best of your knowledge, the existence of a labour/management health and safety committee coincided with the entire period, which I guess...well, at least covers you as Toronto plant manager from 1973 to 1978?

THE WITNESS: Yes, I'm sure we had safety committees then.

15 DR. DUPRE: So you always had a joint committee during this period of time.

May I ask, what was the role of your employee relations manager vis a vis the labour management health and safety committee?

20 THE WITNESS: I'm not sure I could encompass all of it, but I would believe he would be responsible for making sure that it happened.

DR. DUPRE: That meetings of the committee took place?

25 THE WITNESS: Yes. Tours of the plant, frequency, discussions with the union as to who should be on the committee as far as representation from management and union, reviewing the results I'm sure would be done, as well as minute taking and pursuing the outstanding items for correction or action...very general. That's what I believe his responsibility is.

DR. DUPRE: Now, would your employee relations manager have been one of the management members on the labour/management health and safety committee?

30 THE WITNESS: To my knowledge, he delegated that to one of his subordinates.



DR. DUPRE: He would delegate that to one of his subordinates.

5 So he would delegate the membership to one of his subordinates, but I would take it that he was directly responsible for seeing to it that this committee was in existence, was staffed and was serviced from time to time?

THE WITNESS: Mmm-hmm.

10 DR. DUPRE: Now, may I ask with respect to visits by government inspectors, would they convey their findings or their observations, with respect to health and safety conditions at the plant, to the employee relations manager or directly to you as the plant manager?

15 THE WITNESS: I believe they met with the employee relations manager.

DR. DUPRE: Did they ever meet with you?

THE WITNESS: Not to my recollection.

20 DR. DUPRE: Okay. So that basically the government/corporate dialogue with respect to health and safety was one that was carried on between the employee relations manager and the inspectors?

THE WITNESS: That's essentially correct.

25 DR. DUPRE: Now, do I take it from this that basically it would be the employee relations manager who would be the first to become aware of the readings that were taken, or that would be taken, by government hygienists?

THE WITNESS: In the company?

DR. DUPRE: In the plant, while you were the plant manager? Back in the 1973 to 1978 period.

30 THE WITNESS: I'm not sure, because I don't know whether he would have an exit interview with the employee relations manager or not.

DR. DUPRE: I see.





THE WITNESS: I'm not sure.

5 DR. DUPRE: Did the government...the government  
hygienists did not have exit interviews with you, though?

THE WITNESS: I don't ever recall that at all.

DR. DUPRE: Okay. But the company hygienists would  
have exit interviews with you?

THE WITNESS: That's correct.

10 DR. DUPRE: And not with the employee relations  
manager?

THE WITNESS: He would sit in with me, usually.

DR. DUPRE: I see.

DR. UFFEN: Could I just...

DR. DUPRE: Please, Dr. Uffen.

15 DR. UFFEN: ...just so I keep clear on this, the  
chart.

The employee relations manager we have been talking  
about for the last few minutes was in your organization. In the  
new one that exists now, is that the same fellow who is now shown  
on this red chart at the left? Your position is over at the  
20 right and there is one there called Manager Employee Relations.  
Or is there another...are there two managers employee relations  
now?

THE WITNESS: The employee relations manager of  
which I speak is the one that's at the plant and reports to the  
plant manager, and always has. That's a...

25 DR. UFFEN: That's the organization chart, I believe,  
that exists right now?

THE WITNESS: Which one?

DR. UFFEN: The red one, up at the top?

THE WITNESS: Yes, but I believe that left box  
30 at the top, red, relates to a position in Denver.

DR. DUPRE: We may have to get some confirmation



5 DR. DUPRE: (cont'd.) on that. I had read the  
red manager for employee relations as being a position within  
Manville Canada, that was on the same level as your position  
which is described there as V-P production.

But we can..

THE WITNESS: The employee relations manager of  
which I speak reports to the plant manager through here.

10 DR. DUPRE: Can I at least establish this: The  
employee relations manager of which you have been speaking is  
a plant employee relations manager?

THE WITNESS: Yes.

DR. DUPRE: His existence as employee relations  
manager within a particular plant, the Toronto plant...

15 THE WITNESS: Correct.

DR. DUPRE: ...does not necessarily prevent the  
possibility of there being, in the Canadian company, some other  
individual who has the title 'manager of employee relations', who  
is on the same level as you are?

THE WITNESS: Correct.

20 DR. DUPRE: Okay.

Now, let me see if I understand something about  
the findings of company hygienists as distinct from the findings  
of government hygienists.

25 Would I be correct to distill what you have been  
describing for me as telling me that where government hygienists  
were concerned, the plant official who would be the first to be  
notified of the findings of government hygienists would be the  
employee relations manager?

30 THE WITNESS: You asked that before and I said  
I wasn't certain. The reason I am not certain is that I don't  
know whether the...I don't recall any exit interview, as I would  
call it, and when the information in its final form came back to



5 THE WITNESS: (cont'd.) the plant, I am not certain whether it came to the plant manager or employee relations manager. I don't remember, so I can't...

DR. DUPRE: Okay.

10 Now, if I may ask on the other side...I apologize in advance if I am repeating a question I have asked...would it be correct to say that where the company hygienists were concerned the plant official most likely to be the first to receive their information would be the plant manager, who would receive this information at the time of the exit interview?

THE WITNESS: Correct.

15 DR. DUPRE: Is there anything that could help me to understand why it would be that the company hygienists would, as a regular matter, be able to convey their findings on an exit interview, to the plant manager, whereas on the other hand, it would appear that the government hygienists would be conveying their results to the employee relations manager?

20 Is there anything that may account for this difference?

25 THE WITNESS: The plant hygienist would ordinarily advise us when he was going to be at the plant, so that I would know my schedule. Consequently, I would be available for an exit interview.

30 As I stated earlier, I don't know what the hygienist from the government did when he took his results, other than be there, and to my knowledge I don't recall that he ever discussed his results with anyone at the plant when he was there or when he left.

So I can't answer that question because I don't know whether it's a valid question or not.

35 DR. UFFEN: Just a little technical thing...

DR. DUPRE: Please, Dr. Uffen.





5 DR. UFFEN: We use the expression 'when he took his reading', but weren't they using some kind of a dust-collect counting technique at the time? Was it the membrane filter method?

10 THE WITNESS: To my recollection, they had a general sampling where they had an air pump which would pull certain materials through a liquid in a receptacle, and they also had little portable units which hooked on the belt and put material on a filter medium. The hard numbers would not come out until after they were evaluated, but general conditions could be conveyed from the experience of our internal hygienists.

15 DR. UFFEN: The point is, then, that the technical detailed measurements took some time. They couldn't very well discuss the detail at the exit interview, except in a general way...

THE WITNESS: That's correct.

DR. UFFEN: Because it would be some time before the measurements were completed?

THE WITNESS: Correct.

20 DR. UFFEN: And just while I've interrupted you here, for clarification, then, these measurements that are going to be made, were they made at Asbestos, Quebec? Did I hear you correctly on that earlier, or were they made in Denver or somewhere else?

THE WITNESS: The samples were evaluated?

25 DR. UFFEN: Either the company...well, I'll take two cases so I don't get them mixed up...when the company hygienist came and took these samples, where did he have them measured? What laboratory did they go to?

THE WITNESS: In his own laboratory back in Asbestos.

DR. UFFEN: Asbestos, Quebec?

30 THE WITNESS: Right.

DR. UFFEN: Okay.



DR. DUPRE: And this remains the case until the lab came to Toronto?

THE WITNESS: That's correct.

DR. UFFEN: All right. Now I understand.

DR. DUPRE: The government hygienists, of course, measurements, to the best of your knowledge, would have been measured in government facilities?

THE WITNESS: I would think so.

DR. DUPRE: May I ask you this, if I might, Mr. Machin: In your capacity as the plant manager and covering, I think, a five year period, 1973 - 1978, were there any occasions on which your plant had to make capital expenditures designed to either improve ventilation or reduce dust levels?

THE WITNESS: Yes.

DR. DUPRE: Could you tell us when these expenditures had to be made? What years, roughly?

THE WITNESS: If I can refer to a list, I have here some of them.

DR. DUPRE: You have a list of some of them?

THE WITNESS: Yes.

DR. DUPRE: Perhaps it would be useful if we could enter that into the record at this time.

MR. LASKIN: By all means.

MR. EVANS: Mr. Chairman, before that is presented to the Commission, would you mind if I confer with the witness for one moment, please?

DR. DUPRE: Certainly, Mr. Evans, you may do so.

Perhaps, since this is a not unusual time for us to take a break, we might just rise until about eleven-thirty.

THE INQUIRY RECESSED

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THE INQUIRY RESUMED

5 DR. DUPRE: Well, if we may reconvene.

At the point at which we broke, I had asked you a question about whether there had been occasions on which capital expenditures had been made in a plant for health and safety reasons, and we broke at that juncture to permit Mr. Evans to confer with you.

10 THE WITNESS: I have two pieces of literature I would like to submit to you.

DR. DUPRE: Counsel, I assume that we will be giving these exhibit numbers?

MR. LASKIN: In due course we shall, Mr. Chairman.

15 DR. DUPRE: All right.

We'll have those duplicated so that counsel here may have some further opportunities to ask questions.

20 May I, though, since that won't be until later on, may I now take these documents as entered into our record and take it that they provide details and an answer to my question, a short answer to which would be affirmative, that there were capital expenditures undertaken in the plant, for health and safety reasons, while you were plant manager?

THE WITNESS: Yes, that's correct.

DR. DUPRE: Okay.

25 Now, may I ask you, Mr. Machin, if you could sketch for me the decision-making processes that were followed in bringing these capital expenditures about? To start at the beginning, would the need for such expenditures have first been recommended by corporate hygienists?

THE WITNESS: Not necessarily.

30 DR. DUPRE: Would the need for such expenditures have come about because of recommendations or orders from government inspectors?





THE WITNESS: Possibly.

5 DR. DUPRE: Possibly. Can you elaborate at all on this?

THE WITNESS: Yes.

DR. DUPRE: In one case you said possibly, and in the first case I think you said not necessarily.

10 Can you think of a situation where some plant expenditures could have their origin traced to a recommendation by company hygienists?

THE WITNESS: Yes. The reason I answered the way I did was, there are many, many, various ways of generating improvements in the plant, and the approval circuit is just as complicated, I guess, or diverse.

15 To elaborate if you wish, if a result came in that was above TLV...maybe I should expound a bit on that - the company philosophy was that you would take that as a correct result and take action until such time as you either made some changes or verified that the reading was erroneous, so...

20 DR. DUPRE: And you would take it as a correct result whether that result came from a company hygienist or from a government hygienist?

THE WITNESS: Generally speaking, yes.

25 The generation of ideas for requesting funds would come from, perhaps a suggestion by the hygienist, perhaps a suggestion from the plant engineer, production superintendent, a similar situation at another plant location where an idea might be there to resolve a problem, consultation with outside people to try and determine how to improve the situation.

30 DR. DUPRE: Now, maybe if you would permit me to try to dissect those different routes, let us take those instances where the initiation of the idea for a capital



5 DR. DUPRE: (cont'd.) expenditure came from a corporate hygienist. Would this idea have been transmitted to the plant manager at the time of the exit interview, or would it come to the plant manager via Denver, after the hygienist had made a report to HS and E?

THE WITNESS: Both.

10 DR. DUPRE: Both. By both, you mean it could be one in some cases, and the other in other cases, or that more often than not it was almost simultaneous?

THE WITNESS: No, not simultaneous. If a hygienist had a suggestion to improve something that he found and advised us of in his exit interview, he would make that recommendation then - which could then be pursued.

15 Subsequent to that, he could go back and check with other locations as to whether or not they had similar problems with similar equipment elsewhere and make a further recommendation or an alternative recommendation.

20 DR. DUPRE: Would it be correct for me to take away the impression that generally speaking such ideas as hygienists would generate for capital expenditures were ideas that they generated from the basis of what their air sample readings in the plant go to?

25 THE WITNESS: The hard numbers, as I mentioned earlier, take some time to get back from the lab test results, so they are going more, I would say, on their own experience.

Perhaps Dr. Kotin could elaborate on that when he is here, because that's his field.

30 DR. DUPRE: But it would be their own experience in terms of what, on the basis of experience, they might deem as being likely to bring in a reading that showed you above TLV?

THE WITNESS: Yes. For example, if air velocity



THE WITNESS: (cont'd.) seemed apparently low, they would comment that way and suggest increased air velocity through a duct work or something like that.

DR. DUPRE: Now, you mentioned that ideas for capital expenditures related to health and safety matters might also be generated by production engineers.

THE WITNESS: Employees on the floor, superintendents, shift employees.

DR. DUPRE: Now, let's take that one piece by piece. How would a production engineer come to generate an idea for a capital improvement relating to health and safety? Presumably this would be on a basis other than the kinds of readings that hygienists take?

THE WITNESS: He could have..as an example?

DR. DUPRE: Mmm-hmm.

THE WITNESS: He could have a problem with erosion of a duct, where you would get material exiting from abrasive wear, and he would suggest a change to the duct work, or perhaps a rubber lining of that duct work, to eliminate that type of a problem.

DR. DUPRE: Now, you mentioned that the idea for capital expenditures relating to health and safety might also, I believe, originate from other plant locations. Is that correct?

THE WITNESS: Yes.

DR. DUPRE: In other words, they might originate from another plant, rather than, let us say, having been originated by a hygienist or a production engineer, and then having involved your consulting with another plant to find out how they did it?

THE WITNESS: Correct.

DR. DUPRE: I see.

Would the fact that some capital expenditures





5 DR. DUPRE: (cont'd.) relating to health and safety might originate from other plants be related to what I understand from Mr. Cashman was the corporate policy that J-M would, in all instances, try to match the American regulations, then in the fact with respect to acceptable dust levels in plants?

THE WITNESS: Your question wound around a bit. Could you repeat it?

DR. DUPRE: All right.

10 First of all, perhaps I should repeat for you, and I think the record will bear out my memory here, what Mr. Cashman articulated was the corporate policy with respect to exposure levels that are laid down for J-M plants operating outside the United States.

15 That policy, as he related it to us, is that any offshore - and by this I mean American offshore - J-M plant is supposed to meet, in terms of exposure levels, the exposure criteria that are laid down for regulatory purposes in the United States. This is, of course, in situations where domestic regulations are such that they might be more lax than those that exist in the United States.

20 Now, that is what was described to us by Mr. Cashman as being the corporate policy.

I might ask, are you familiar with the existence of such a corporate policy?

25 THE WITNESS: To my knowledge, the policy in the company was to try and do the best levels they could, because in Ontario, where I managed the plant, it was a guideline, and the objective of the people in the plant was to try and operate at the best level they could.

DR. DUPRE: Okay.

30 Now, to come back to my question, were some of the capital expenditures that you undertook for health and safety reasons expenditures that originated in other plants simply because,



DR. DUPRE: (cont'd.) if you will, they were better-practiced plants within the company, than yours?

THE WITNESS: I would believe that to be true.

We at Toronto plant also did things on a trial basis to see if they were an improvement, and other plants would keep in touch with us to see if that was an improvement - such as wetting the pipe with the KNC lace, for example.

DR. DUPRE: Now, of course, such practices, as I would understand them, would not entail capital expenditure, would they? They might involve some expenditures on the operating side if you are going to wet things down.

THE WITNESS: No, capital expenditure.

DR. DUPRE: They would entail capital expenditures as well? Okay.

THE WITNESS: Significant at times.

DR. DUPRE: I see.

Well, now, let me go beyond where the ideas for capital expenditures might originate, to the actual authorization of a capital expenditure for health and safety purposes.

To what extent, for example, as plant manager, did you have discretion that permitted you to make capital expenditures of a certain level, without referring the decision elsewhere?

THE WITNESS: I believe at the time of my plant managing experience at the Toronto plant, my absolute authority was two thousand dollars.

However, the policy which still exists in the corporation to this date is the fact that the plant manager has full authority to spend any money required for the continuance of health and safety in operations of the plant.

In other words, to use a very extreme example, if the plant was in danger of an explosion or something, he could



5 THE WITNESS: (cont'd.) take whatever action he had to to rectify that situation as soon as possible, or some kind of an emergency situation.

DR. DUPRE: I guess that in a health situation where what you are looking at is danger from long-latent diseases as opposed to imminent danger of an explosion, we would be basically looking at, on a workday basis, the two thousand dollar maximum kind, at the plant manager's discretion?

10 THE WITNESS: That's right.

DR. DUPRE: Now, for an amount above two thousand dollars, who would be involved, become involved in the decision? Would it be the divisional general manager?

THE WITNESS: It would depend on the level of the funds requested.

15 DR. DUPRE: Okay. Can you, to the extent that you can reconstruct it from your experience, give me an idea of what level could have been decided by what is now called the general production manager, or V-P production, which is your level now, and then the amount that would have had to have gone above the general production manager to the divisional general manager or president of J-M Canada?

20 THE WITNESS: With the dollar the way it is, all I could relate to you is the current situation.

DR. DUPRE: Okay. The current situation would be quite adequate.

25 THE WITNESS: My approval level is twenty thousand dollars.

DR. DUPRE: Okay.

THE WITNESS: The general manager, I believe, is a hundred thousand dollars. Then it goes up to the senior V-P and then up to the board.

30 DR. DUPRE: Now, may I ask, in the period in which





5 DR. DUPRE: (cont'd.) you were plant manager and in which capital expenditures with respect to health and safety were undertaken, were there any items of capital expenditure that had to be authorized at the level of the general production manager?

THE WITNESS: Definitely.

DR. DUPRE: Were there any that had to be authorized at the level of the divisional general manager?

10 THE WITNESS: What was your earlier question? I am sorry.

DR. DUPRE: I'm just following the track here.

THE WITNESS: Yes.

DR. DUPRE: We are back at a period where you find yourself as plant manager, Toronto.

15 THE WITNESS: Okay.

DR. DUPRE: Now, you have said in answer to my question that there is definitely, there is some capital expenditures that were sufficiently high that they had to be authorized by the individual who is identified in blue as the general production manager.

20 THE WITNESS: Oh. When I was plant manager at Toronto, there was not a general production manager position.

DR. DUPRE: I see.

THE WITNESS: The reporting line was directly to the general manager.

25 DR. DUPRE: Okay. Fine, thank you.

So at that stage, then, any of a number of capital expenditures would have had to have been authorized by the next level up, which would have been the division general manager.

30 Okay, may I ask you now, referring to that same time period, whether there were capital expenditures for which authority had to be sought above the level of a divisional general manager - that is to say, back in Denver?



THE WITNESS: Denver or Manville, New Jersey...or New York, I guess, was our head office then.

DR. DUPRE: Okay.

THE WITNESS: Yes. Definitely.

DR. DUPRE: Now, are you aware of the extent to which the health, safety and environment division was involved in the making of those decisions?

THE WITNESS: Not in detail.

DR. DUPRE: You wouldn't be aware of the extent to which some of those capital expenditures might have been mandated by the HS and E division?

THE WITNESS: If I tried hard, I could probably recall that were put that way to the Toronto plant. I would have to think about that.

DR. DUPRE: Okay.

THE WITNESS: You mean as a directive?

DR. DUPRE: Yes.

THE WITNESS: Corporate policy across the board?

DR. DUPRE: Yes.

DR. UFFEN: By the way, does TP refer to Toronto plant in these things you turned out?

THE WITNESS: It refers to a technical project.

DR. UFFEN: I don't want to get mixed up.

THE WITNESS: If I might clarify that - AR means appropriation request, TP means a technical project, EP means an engineering project.

DR. UFFEN: Well, when I see on your list "Improve DE dust collector TP - two hundred thousand dollars", that's not necessarily the Toronto plant? It could be anywhere?

THE WITNESS: That would be the dry end dust collector at Toronto plant.

DR. UFFEN: So I better remember, TP refers to



DR. UFFEN: (cont'd.) technical project, although it was in the Toronto plant.

5 That might be a good one if you would like to follow it, it's on your list. It's two hundred thousand dollars and it was apparently in 1976. Were you still there then?

THE WITNESS: Yes.

10 DR. UFFEN: That might be a good one to explain how the machinery worked. I think that because it was a big one, and I thought it was Toronto.

THE WITNESS: I believe that's a summary of the expenditures that were put there. I can't see any breakdown of the details.

15 I could go back and refer to the request for funds, to get the detail out of that, but the approval of funds would be a write up of the request for funds by the industrial engineering department, probably substantiated by any dust level reports that we had from our own hygienists or the government hygienists, plus backup data as to what events happened in the plant, such as downtime or mechanical failures or that sort of thing.

20 The funds would then be submitted to the plant manager, who would review that. The plant engineer would be involved in putting the estimate together. If it was a big enough project, we would seek outside assistance from our own corporate people. In that case, we would have our own dust-handling experts who would, you know, assist us in determining what facilities would be required - such as dust collector size, fan capacity, duct work sizes, etc.

25 The circuit of approval would then go from the plant manager to the production engineer, back then to the general manager, and I would be virtually certain at that time it would have to go to the senior V-P, and perhaps to the president  
30 of the company at that level, back then, for approval.





DR. DUPRE: By the senior V-P at this point, you would be referring...we are looking at pre-1980, to the senior V-P international?

THE WITNESS: That's correct.

DR. DUPRE: Now, at what stage of the game would you believe that the senior V-P HS and E would have become involved?

THE WITNESS: I believe it would be when the request went to either New York or Denver, to the senior VP international. There is then a round robin of checks with corporate industrial engineering, health, safety and environment, corporate plant engineering, purchasing as well, all those different functions that would have to check it through.

DR. UFFEN: Could I just...I would like to just complete the circuit of the decision making. When it got to the point where the decision has been made to purchase equipment and go ahead, and the budgetary process has provided for it, normally you would put this out to tender, in the Canadian office, or would it be done by inhouse people belonging to Johns-Manville?

THE WITNESS: Depending on the total dollars or scope of the project, and that two hundred thousand dollar region is about as big as we would handle locally, we would probably have someone from corporate engineering put together a set of specifications, and come to Toronto and ask for bids on it by local...

DR. UFFEN: And when you came to open the tenders and decide on assigning the project, who would actually make the decision of which tender to accept?

THE WITNESS: Usually our plant engineer, in conjunction with our local purchasing manager.

DR. UFFEN: But also somebody from either senior V-P international or senior V-P HS and E?



THE WITNESS: No.

DR. UFFEN: No? They wouldn't be there at that stage?

THE WITNESS: That's correct. Once they had approved the funds, it was up to us to get the job done.

DR. UFFEN: What would happen today, under the new structure for Manville Canada? A two hundred thousand dollar capital expenditure now, would it be handled the same way as it was then, or would there be a different procedure?

THE WITNESS: Strictly the same. We would get as much corporate assistance as we could in the...if some vendor had given problems somewhere else in the corporation, and not committed to deadlines or done a good job, we would get into that way, to guide us in whether we should select tender A or B, or something.

That's what we are really trying to do.

DR. DUPRE: Just so I can be clear on one thing, I take it that in answer to the question I asked with respect to HS and E mandating certain capital expenditures, that while you could not recall a particular instance, you were aware of that being the case from time to time?

THE WITNESS: Yes. I could look over the list and try to see if something came to mind, if that would help you.

DR. DUPRE: Okay.

THE WITNESS: This one here, for example, is one where we had a truck blow-down and pallet-cleaning station which was, I believe, a concept that was generated within the corporation and was implemented in Toronto plant in 1971, according to this record.

DR. DUPRE: Maybe you could just read out the whole title of the project...

THE WITNESS: Very well: "Control 1823 - truck



THE WITNESS: (cont'd.) "blow-down booth and pallet-cleaning station".

5 A second example would be the use of certain portable vacuum cleaners such as the Hoffco units, I believe they were called at the Toronto plant, where they would make a recommendation as to a particular type of equipment that they had found most suitable for use.

10 DR. DUPRE: With respect to the large two hundred thousand dollar item that Dr. Uffen brought to your attention, could that have been an HS and E initiated...?

15 THE WITNESS: I believe there would be a lot of input from that department to make that change. The actual dust levels would be the initiation point, I would say. If there was problems there, that would be the trigger point, or whatever you would call it.

A further example that comes to my mind in thinking about it would be the conversion of the wet-end dust collector from a positive system to a negative system, which I believe was around 1967 or 1968.

20 I guess that was a major...

25 DR. DUPRE: With respect to the kind of capital facilities that, capital expenditures that were made during that period, can you recall any that may have been occasioned by the fact that the plant was using a mixture of crocidolite and chrysotile, as distinct from the fact that the plant was just using asbestos in general?

30 THE WITNESS: Not to my knowledge. The only item I can recall is when the crocidolite fiber came in palletized that we might have had to buy some equipment for handling palletizing of the loads rather than manual unloading, but no differentiation as far as in-the-plant processing goes.

DR. DUPRE: May I ask you, while you were the





5 DR. DUPRE: (cont'd.) plant manager, did you ever receive instructions or have plant exit interviews or through other channels, were you ever generally made aware of the fact that your plant used both crocidolite and chrysotile, and that certain appropriate health measures should be taken precisely because there was such a mixture of fibers?

10 THE WITNESS: The only real item that comes to mind is discussions with Hugh Nelson regarding proposed TLV's, where I believe he wanted to differentiate between the fibers.

DR. DUPRE: That's right, and if I remember correctly, a point two guideline for crocidolite came into play in Ontario in 1976.

Mr. Laskin, am I correct in that recollection?

15 MR. LASKIN: That's my recollection, Mr. Chairman.

DR. DUPRE: Do you recall...this would be towards the end of your term as plant manager...the extent to which you were made aware of the existence of a point two fiber guideline for crocidolite?

20 THE WITNESS: Yes, I recall that, as I say, from discussions with Hugh Nelson.

DR. DUPRE: How did you cope with the acceptance and the promulgation of this new guideline?

THE WITNESS: How did I cope with it?

25 DR. DUPRE: Yes. Well, let me ask specifically. Did the existence of this point two guideline, beginning in 1976, cause you, as plant manager, to take any steps with respect to either some capital expenditures in the plant or with respect to the use of respirators in certain parts of the plant, or with respect to work practices or measurements in the plant?

30 THE WITNESS: I don't recall it making any major change, because we looked at the total fiber used in the plant. The chrysotile was by far the major fiber used. I do recall



THE WITNESS: (cont'd.) discussions with Nelson and his group regarding ratios of fiber usage, to rationalize what we would be looking at.

There was a general tightening up throughout that period of time in all exposures.

DR. DUPRE: What was the ratio of chrysotile to crocidolite?

THE WITNESS: I have some information here as to actual tons of fiber that we purchased in those periods of time that I could refer to, but a general ratio would be in the magnitude of one to seven, or something like that.

DR. DUPRE: So in general, it would be about one to seven.

Could I ask you to make this information available for our records?

THE WITNESS: Yes.

DR. DUPRE: Thank you.

MR. LASKIN: Have you got it there, Mr. Machin?

THE WITNESS: Yes. Would you like it?

DR. DUPRE: Perhaps if you could convey it to counsel, and he will give it the appropriate number.

MR. EVANS: Mr. Chairman, again I would ask for the opportunity, indulgence of the Commission, to confer with the witness on this particular document or documents.

DR. DUPRE: Okay. Well, let me propose this to you, Mr. Evans, you consult with the witness when we break for lunch at one o'clock, and then you can report to us when we reconvene at two-fifteen.

MR. EVANS: Thank you.

DR. DUPRE: I will take it in the meantime that as far as you are generally aware, you had a ratio of about one part crocidolite to seven parts chrysotile, around 1976, at



DR. DUPRE: (cont'd.) the time when the Ontario guideline was introduced?

THE WITNESS: Yes.

DR. DUPRE: Now, at this juncture the point two guideline was in place. Presumably, from that point on, both the company hygienists and the government hygienists would have been sensitive to this new guideline in taking their readings? Would you know anything about this?

THE WITNESS: I think that's an area where you should refer to Dr. Kotin, because he has that.

I can recall very vaguely and generally that they had enough trouble trying to measure fiber counts in total, let alone trying to differentiate between them.

DR. DUPRE: Okay.

THE WITNESS: But I think that's an area that someone who is particular to that field should respond to.

DR. DUPRE: Okay, but could I ask you this - did your plant exit interviews with the corporate hygienists yield you any information or directives, as plant manager, to alter any work practices or to otherwise work the affairs of the plant in this situation where your ratio was known to be one to seven?

THE WITNESS: All of their exit interviews usually ended up in us doing something.

DR. DUPRE: Okay. Now, the key point then would be once that guideline for crocidolite went in, do you recall any exit interviews that, as a result of which, you were being told to do something about crocidolite in particular?

THE WITNESS: No, I don't recall anything that way.

DR. DUPRE: Okay. To the best of your knowledge, then, you would not recall either, since I am assuming that exit interviews refer to the dialogue between you and the company





5 DR. DUPRE: (cont'd.) hygienists, would you recall with respect to government inspectors any instructions, requests or orders that came to your attention once that point two guideline for crocidolite was adopted?

THE WITNESS: First of all, let me clarify, I wouldn't necessarily be at all exit interviews, because I travelled somewhat too.

10 DR. DUPRE: Right.

THE WITNESS: But I don't recall a specific item pertaining, you know, particularly to crocidolite fiber.

15 There could be, where we were handling the material in a warehouse or something like that, where a specific mention was made as to how to properly store it or handle it, or something like that, which would be particular to that fiber.

20 DR. DUPRE: Now, just so I can be perfectly clear in my mind, prior to 1976 and the adoption of this guideline, you were not either in terms of your dealings with corporate hygienists or in terms of your dealings with government inspection, you were not in any way made conscious of any special importance that might attach to the fact that you were using a mixture of fibers, as distinct from just chrysotile or just asbestos in general?

THE WITNESS: All fibers were considered to be...

DR. DUPRE: All fibers were considered equal?

25 THE WITNESS: Not equal, but hazardous. There was a lot of discussion about it, but I don't know...

DR. DUPRE: Okay.

May I just switch quickly to another area? It has todo with the use of respiratory equipment in the plant.

30 As plant manager, did you have direct responsibility with respect to the use of respiratory equipment - and I refer here to the kind of respiratory equipment that must be provided? I refer as well to the time and the processes in which respiratory



DR. DUPRE: (cont'd.) equipment should be worn, and I refer as well to enforcing the wearing of respiratory equipment.

5 THE WITNESS: Can you elaborate on what you mean by direct responsibility?

DR. DUPRE: Well, I really don't know how, but I'll put it to you this way...and maybe we ought to take my question one little bite at a time...let's begin with a responsibility for providing respiratory equipment - that is, making it available - and ensuring that the respiratory equipment was of a certain kind.

10 Did you, as plant manager, have either a direct responsibility for seeing to it that this equipment was available, or did you have, if you want to call it an indirect responsibility, an employee directly responsible to you, who was in charge of providing such equipment?

15 THE WITNESS: Yes. The latter would be correct.

DR. DUPRE: Okay. But there was somebody directly under you who had responsibility to ensure both the availability of such equipment and the availability of approved types of such equipment?

20 THE WITNESS: That's right.

DR. DUPRE: Who was that individual, in terms of the position he held?

25 THE WITNESS: The person that comes to my mind varies with the periods of time...the names Al Frank and Florence Lapp and Rollie Wilson, all come to mind.

DR. DUPRE: Was any of these individuals the employee relations manager?

30 THE WITNESS: Rollie Wilson was an employee relations manager.

DR. DUPRE: Okay. You are not sure whether the



DR. DUPRE: (cont'd.) others were as well?

THE WITNESS: No, they weren't.

5 DR. DUPRE: So the employee relations manager was not necessarily the position that was designated as having the responsibility for providing the equipment?

THE WITNESS: Would you repeat that?

10 DR. DUPRE: It happened that one individual at one time, who had this responsibility, was the employee relations manager.

THE WITNESS: It was delegated from me to the employee relations manager, down the line.

DR. DUPRE: Further down the line, okay.

15 THE WITNESS: The other person I referred to was a safety person in the plant.

DR. DUPRE: Okay.

Now, I should ask you about this safety person in the plant, as you describe him. This would be a subordinate of the employee relations manager?

20 THE WITNESS: That's right.

DR. DUPRE: Now, this individual, I can take it, has responsibility for seeing to it that equipment was available?

THE WITNESS: Yes.

25 DR. DUPRE: Okay. Now, what about responsibility with respect to designating the plant processes or the particular times at which an individual worker was supposed to wear respiratory equipment? Who had responsibility for that?

THE WITNESS: That would be through the employee relations department.

30 DR. DUPRE: That would be through the employee relations department.

Now, what about responsibility with respect to the enforcement of the use of respiratory equipment? That is to say,





DR. DUPRE: (cont'd.) seeing to it that an employee was wearing the equipment when it was necessary for that employee to do so?

THE WITNESS: It would go down to the direct supervisor of the employee.

DR. DUPRE: Now, you have mentioned that there was, of course, a joint management/labour committee in the plant. Was this committee consulted, or was it of assistance in enforcing the use of respiratory equipment?

THE WITNESS: I believe so. I qualify that to the point where I can recall the change of philosophy in that committee to where they were initially reluctant, if I might use that word, to counsel or reprimand individuals for acts like that, and it was more of unsafe conditions that the committees originally started with, and over a period of time changed to more of a total responsibility for safety in environment of the plant.

DR. DUPRE: Now, you have established, Mr. Machin, that there were members of the employee relations part of the plant who had responsibility with respect to the availability of respiratory equipment, with respect to its use and with respect to the importance of its use.

Now, insofar as the employees in the employee relations plant that were responsible for this, insofar as they were responsible to you, how were you able to satisfy yourself that their responsibilities were in fact being discharged?

THE WITNESS: Through meetings with the employee relations manager, I would have advice to me as to what levels of action were being taken on the floor with the use of respirators, I believe you are referring to particularly, is that correct?

DR. DUPRE: Mmm-hmm.



5 THE WITNESS: And there were certain stations in the plant that necessitated respiratory use, and the disciplinary procedure would be followed and there would be a two-fold feedback, one being the production side of it, the other being the employee relations side of it.

10 I recall at one time to try and assure enforcement we did spot checks, with the employee relations manager himself going to the floor on random work-sampling type basis to evaluate what sort of levels of respiratory use were being used.

15 DR. DUPRE: Now, in addition to such spot checks, would the company hygienist have been of any assistance to you in helping you see to it that the responsibilities here were in fact being met properly? Might a hygienist, for example, at the stage of the exit interview be likely to give comments to the plant manager about the degree of dissatisfaction, or otherwise, with the use of respiratory equipment?

THE WITNESS: Definitely he would comment that way. His time of observation on the floor would be relatively limited.

20 DR. DUPRE: What about government inspectors? Did government inspectors offer you any insight as to the extent to which the use of respiratory equipment was going ahead as you would have...

THE WITNESS: I don't recall any feedback that way.

25 DR. DUPRE: I just have one final area of direct questioning for the moment, Mr. Machin

It has to do with employee records. Could I, first of all, ask you, referring to the period during which you were the plant manager at Scarborough, whether as plant manager you had any responsibility for keeping employee records?

30 THE WITNESS: The records were kept at the plant.

DR. DUPRE: The records were kept at the plant.



DR. DUPRE: (cont'd.) And the records were kept at the plant and were therefore under your responsibility?

5 THE WITNESS: I did not have full responsibility for them.

DR. DUPRE: I see. With whom did you share such responsibility?

THE WITNESS: Well, I could not disclose medical information on employees without approval from them.

10 DR. DUPRE: So you presumably shared responsibility for these records along with medical personnel?

THE WITNESS: That's correct.

DR. DUPRE: Were these medical personnel full-time Manville employees, or were they contracted for the purpose?

15 THE WITNESS: Our medical doctor team is always on a floating basis, outside, on a retainer. Was and is.

DR. DUPRE: And there was a plant nurse?

THE WITNESS: Employed by the company.

20 DR. DUPRE: Presumably the plant nurse would have had a particular clerical role with respect to the medical side of employee records?

THE WITNESS: A clerical role, yes, but I don't believe responsibility to release information.

DR. DUPRE: Okay.

25 May I ask whether there has been any change in the responsibility over employee records since you ceased to be the plant manager?

THE WITNESS: I believe that question was addressed to Mr. Cashman, and I think he responded to it.

30 DR. DUPRE: I am interested in your answer to the question, because I am, of course, interested in whether from your experience he would have seen this take place or otherwise.

THE WITNESS: I am unaware of any change in the





THE WITNESS: (cont'd.) policy.

DR. DUPRE: So to the best of your knowledge,  
5 the employee records are still maintained in the plant?

THE WITNESS: Yes. The employee records are  
maintained in the plant. I know that for a fact.

DR. DUPRE: Right. Okay.

May I ask the following: Are employee records, or  
10 copies of employee records that are held in the plant, records to  
which the parent company in Denver has automatic access if it  
wishes to review them?

THE WITNESS: I don't know that.

DR. DUPRE: I have no further questions.

Dr. Uffen?

15 DR. UFFEN: On where the records are kept, in your  
organizational chart as it is today, when you are the general  
production manager and vice-president of Manville Canada, in  
that chart where do the records come under, which one of the  
blocks in your chart?

20 THE WITNESS: They are at each plant location, so  
there would be a direct responsibility that the plant manager  
would have.

DR. UFFEN: Oh, so that there are several...Toronto  
plant has its own, the Alberta and Saskatchewan plants have  
their own?

25 THE WITNESS: That's correct. Yes, sir.

DR. UFFEN: You don't keep general employee records,  
then, for the whole of Manville Canada in one...

THE WITNESS: No.

30 DR. DUPRE: Could I ask here whether there is a  
distinction between the employee records of hourly-rated employees  
on the one hand, and salaried employees on the other?

THE WITNESS: No difference to my knowledge.



DR. UFFEN: Could I...I would like to ask some different kinds of questions.

5           These two documents that you turned in earlier today, numbers sixty-seven and...oh, both sixty-seven, A and B...of course, we haven't had time to look at these, but I've been glancing at them and going down through the list, and I notice that in 1968, well over six hundred thousand dollars was spent. Was that before your time? In 1968, you were relatively new employee, I guess?

10           THE WITNESS: Six years.

DR. UFFEN: Well, six years.

Did you play any part in those big capital expenditures?

THE WITNESS: Yes, I did.

15           DR. UFFEN: Could you tell me what your role was then?

THE WITNESS: Well, as a supervisor, I would have been responsible for putting the AR together.

DR. UFFEN: AR, what does AR...?

THE WITNESS: Appropriation request.

20           DR. UFFEN: And would you supervise the installation?

THE WITNESS: No, that would be plant engineering.

DR. UFFEN: I see. Then the next one that catches a person's eye as you look through this is, in 1975...I did a rough summation here and it was well up over three hundred thousand dollars, I think...and in 1976, over a million.

25           Well, all on the one page three...unless I've misunderstood...1976 has a total of a million here.

THE WITNESS: I think that's a running total. I would have to add those numbers up, but I believe that's the grand summary of all those digits, is that correct?

30           DR. UFFEN: Yes. Of all those projects, most of which seem to...

THE WITNESS: Excuse me. Back to all of those pages.



DR. UFFEN: It says, "appropriation for health and environment".

5 THE WITNESS: What I'm stating is, that the number at the very bottom of the last page you are referring to, I believe, is a numerical total of all those pages.

DR. UFFEN: Oh, I just did a little check and I got to seven hundred thousand before I got to the bottom of the one page. I think that's something that we can check.

10 THE WITNESS: Yes.

DR. UFFEN: But anyway, it's a fairly substantial amount and there's one item on here which I find different from all the others. The others look like engineering things, putting in new tanks and ditches and washrooms, but there is one called sputum cytology, and there is no amount.

15 THE WITNESS: Is that pen-written on that sheet?

DR. UFFEN: Yes.

THE WITNESS: That is my note to remind me to mention that in 1977 we did sputum cytology.

DR. UFFEN: That you started to do it?

20 THE WITNESS: Yes. Nothing to do with expenditures.

DR. UFFEN: But it wasn't necessarily a capital appropriation.

THE WITNESS: That's correct.

DR. UFFEN: All right. I was wondering how that was done.

25 THE WITNESS: Ignore my hen scratches.

DR. UFFEN: Now, it was at a time...1975/1976... apparently it started up in 1975 and it reached its peak in 1976, of expenditures. Could you tell us how such a major project was handled? Was it handled in the same way as your annual expenditures on capital and up to a hundred thousand dollars or something like that, or would a million-plus project be done in a different way?

30





THE WITNESS: Could I refer to that sheet a moment? Because I don't recall anything being that magnitude.

MR. LASKIN: Yes, sure.

DR. UFFEN: When you start down, there's several over a hundred thousand. It doesn't take long to get close to a million.

If it will make it easier, I will refer to it as greater than seven hundred thousand, so it doesn't get involved in whether it's actually a million or not.

THE WITNESS: What was your question again?

DR. UFFEN: A project or a series or projects, related projects, of such a magnitude, was the decision-making process the same or was it a special project within the parent corporation?

THE WITNESS: The dollar amount would be the guiding approval level, and the appropriate areas that would have to seek approval levels would vary in magnitude depending on what sort of a project it was.

If it was a cost-reduction project, the corporate engineering would pay more particular concern to it. If it was a health, safety and environment, then health, safety and environment would pay more particular concern to it, obviously.

But the approval levels and putting it into the funding would be the same for all projects.

DR. UFFEN: Regardless of...I suppose a project of that magnitude, as far as the parent company is concerned, would not be an unusual annual expenditure?

THE WITNESS: Most major changes to equipment, like a dust collector facility or something like that, are a major expenditure.

DR. UFFEN: Okay. Now, we've got all those things ordered and purchased and installed, and you were the general



5 DR. UFFEN: (cont'd.) manager during the installation. It must have been a very big and active time.

THE WITNESS: I would be plant manager at that time.

DR. UFFEN: You were plant manager?

THE WITNESS: Correct.

10 DR. UFFEN: All right. Well, most of those projects, am I right, were going into the plant you managed?

THE WITNESS: Correct.

15 DR. UFFEN: Did you get any production out of it that year, or was it all renovations?

THE WITNESS: Yes, we ran our production facilities.

20 DR. UFFEN: Can you tell us what initiated these major renovations?

15 From an annual expenditure of the order of fifty thousand, suddenly you have one that's greater than five hundred thousand. What happened in the plant? Why did you have to do all this?

20 THE WITNESS: As I mentioned before, the major one in that listing is the one for converting the wet-end dust collector, Dr. Uffen, and that was a change from a positive-pressure dust collector system to a negative-pressure dust collector system, and that's a significant change in dust collection approach, which entails a very major expenditure.

25 DR. UFFEN: There are two other big ones in here - washroom facilities TP...

THE WITNESS: Toronto plant.

DR. UFFEN: TP?

THE WITNESS: Transite pipe.

30 DR. UFFEN: Transite pipe. Toilet paper? A hundred and seventy thousand, and then another one right at the end - "Improved FG washrooms - twenty-five thousand".

You know, those combined are over two hundred thousand.



DR. UFFEN: (cont'd.) What was happening there?

5 THE WITNESS: The transite pipe one was an  
improvement of facilities for the employees, to provide them with  
a double-locker system so that they could come into the plant  
with their street clothes and put them into a separate locker  
facility, change to their working clothes, following their work  
10 procedure, then go back through the procedure of cleaning up and  
then going back to their street clothes, with separate facilities.

As I recall, that was a noncompulsory, if you  
would like to call...I am not definitely certain of that, but I  
believe it was in a lot of dialogue with the government  
representatives, our own people, and an approach to that  
expenditure...

15 DR. UFFEN: Would that have been initiated from  
your end, the Toronto end, or would that have been initiated  
from the parent corporation?

THE WITNESS: To my recollection, that was initiated  
at the Toronto end.

20 DR. UFFEN: Now, after all this had happened...and  
it takes a while to get all these installed, you know, you have a  
year or thereabouts...what improvement in the conditions at the  
plant, dust conditions at the plant, were you able to achieve?

25 THE WITNESS: I think the only answer I could give  
you on that would be that the average total TLV continued to  
reduce.

DR. UFFEN: Were you able to meet the guidelines  
that were then in existence for Ontario?

THE WITNESS: In virtually all stations, yes.

30 DR. UFFEN: Now, virtually all. What does  
virtually mean?

THE WITNESS: To my recollection, the most hygiene  
reports that were received in writing back to the plant, showed





THE WITNESS: (cont'd.) that virtually all stations were within the guideline TLV.

DR. UFFEN: Which were the exceptions?

THE WITNESS: They would vary from time to time. It could be any number of stations. We had about seventy or eighty stations in the plant.

DR. UFFEN: Were you able to maintain the guidelines all the time? Or did you have what are sometimes called excursions?

THE WITNESS: No, we weren't able to maintain the guidelines all the time. We have equipment failures, like anyone does.

I think, you know, you have to put a perspective to how intermittent they are. To elaborate on that, which I feel I must, the wet-end collector that went in, being a negative system instead of a positive one, was also a dust collector that ran in sequences, so that you never had to shut the thing down totally. It was always running four-fifths of its operation, I believe - there were five cells in it, and four were operating, one was down cleaning itself.

That was a change made from the old system where it used to run for two to four hours and then had to be shut down and cleaned, and when it was shut down to be cleaned, the dust collection system from the wet-end was diverted to the dry-end, and tied into that system.

So a lot of the improvements in the facilities were in the areas of reliability and uptime, if you want to call it that, to ensure that the system ran more of the time.

DR. UFFEN: Are they still there in the plant?

THE WITNESS: They are all torn out, to my knowledge.

DR. UFFEN: You didn't tear out the washrooms, did you?



THE WITNESS: I'm not sure.

5 DR. UFFEN: What happened to the equipment that was torn out?

THE WITNESS: It was scrapped. Some of the equipment...

DR. UFFEN: By scrapped, you mean put out...

10 THE WITNESS: I should qualify that. The wet-end dust collector system, I believe, part of it is still there - I'm ninety percent certain of that - and the other part of it went out to Innisfail plant to improve the dust collection there.

DR. UFFEN: Oh, the other part went to Alberta?

THE WITNESS: Yes, sir.

15 DR. UFFEN: Did you supervise the tearing out, to use the expression, were you...?

THE WITNESS: I was not involved at the Toronto plant at that time.

DR. UFFEN: You had moved by then?

THE WITNESS: Yes.

20 DR. UFFEN: Where were you then, at this time?

THE WITNESS: In 1980, I guess it was, when the pipe shop shut down, I was at division.

DR. UFFEN: I'm just curious about your sabbatical in Denver...sabbatical is my term, your few months. When was that again?

25 THE WITNESS: January 13th, 1978, to May 25th, I believe.

DR. UFFEN: It was just following the completion of these renovations, then?

THE WITNESS: It was 1978.

30 DR. DUPRE: Mr. Laskin has indicated to me that he wishes to reserve some questions for the very tail end of the batting order.



5 DR. DUPRE: Now, the time being what it is, may I propose that we break for lunch at this time, that we reconvene at two o'clock, and at that time I shall be calling for the batting order and I presume you will have one that can be handed out.

MR. LASKIN: Good. Thank you, Mr. Chairman.

THE INQUIRY RECESSED

10 THE INQUIRY RESUMED

MR. LASKIN: Good afternoon, Mr. Chairman. I think Mr. Lederer is going to go first, amongst us down here.

DR. DUPRE: Okay.

15 Just before I go to the batting order, Mr. Evans you have now had an opportunity to consult with the witness with respect to some information?

MR. EVANS: Yes, Mr. Chairman, I have, and I believe the witness has that document in his possession, and we are prepared to offer it as an exhibit in these proceedings.

20 DR. DUPRE: Okay.

We'll discuss this, counsel, and give it an exhibit number.

25 THE WITNESS: This is the information requested, and the only comment I would like to add to it is, that relates to the use of fiber in the transite pipe shop only...the relevant tonnages.

MR. LASKIN: This is the amount of fiber used in the transite pipe section in the years in question, and showing the source of the raw asbestos?

30 THE WITNESS: Basically correct. That probably is the amount of tonnage that was purchased during those years, which are from our finance records.





5 MR. LASKIN: Okay. And so when we look at Advocate, Jeffrey and Cassiar across the top...?

THE WITNESS: Those are the numbers, in tons, of those types of fibers that were required in that year.

MR. LASKIN: From those mines, I take it? Advocate, I take it, is the Baie Verte mine in Newfoundland?

THE WITNESS: In Newfoundland, correct.

10 MR. LASKIN: But these are all chrysotile figures until it gets to the last two columns, which are amosite and blue? Is that right?

THE WITNESS: I would have to look at it again to see that.

15 Yes, the first column is Advocate - which is the Baie Verte Mine, and Jeffrey is out of our operations in Asbestos. Cassiar would be from Cassiar Mine up in Clinton Creek, and the amosite and the blue would be from Africa.

MR. LASKIN: I see. Both from Africa?

THE WITNESS: Yes.

20 MR. LASKIN: I guess we can call it exhibit sixty-eight, for our records, Mr. Commissioners.

DR. UFFEN: Sixty-eight?

MR. LASKIN: Sixty-eight, for our records.

25 EXHIBIT # 68: The abovementioned document was then produced and marked.

30 DR. DUPRE: Just before I go to the batting order, Mr. Machin, I have one question to put to you, which is simply the following: You left the position of plant manager in 1978, I take it, and you then basically did not return to Toronto until March of 1981, when you were production engineer and as a prelude to becoming the general products manager, correct?



THE WITNESS: That's not correct.

DR. DUPRE: Oh. Okay, please fill me in again.  
You were the Toronto plant manager until when?

THE WITNESS: 1978, about January, early January.

Then I went to Denver in 1978, until about May of 1978.

DR. DUPRE: Right.

THE WITNESS: Then I went to Alberta.

DR. DUPRE: Correct.

THE WITNESS: And returned from Alberta to the  
Toronto area in about March of 1979.

DR. DUPRE: Okay. So you came back to Toronto  
in March of 1979...

THE WITNESS: As production engineer.

DR. DUPRE: Until March of 1981?

THE WITNESS: Then I became general production  
manager.

DR. DUPRE: Okay.

Now, having just established that, I simply wanted  
to make the following observations: As you are doubtless aware,  
by the time you came back to Toronto in 1979, and thereafter,  
we were operating in this jurisdiction under new health and  
safety legislation - the Occupational Health and Safety Act of  
1978, which was proclaimed in 1979.

I was just wondering, if - granting the fact,  
of course, that the positions you held since coming back to  
Toronto are different - but I was just wondering if the existence  
of this new legislation had in any way altered the manner in  
which you detect health and safety measures are being pursued  
by your company?

THE WITNESS: I'm unaware of what the change was...

DR. DUPRE: You haven't affected any change? Okay.  
I just wanted to get that out of the way.



DR. DUPRE: (cont'd.) If you please, Dr. Uffen.

5 DR. UFFEN: There is something I wanted to clear up from this morning as to whether I understood it or not.

On the board here, in the red, is the organization of Manville Canada as it is now.

Right at the very left there is a manager employee relations. Who is that person at present, where does he work and where did he live?

10 THE WITNESS: It's a she.

DR. UFFEN: All right. I'm glad I said person.

THE WITNESS: She works at the Etobicoke office, and I don't know where she lives.

DR. UFFEN: And what's her name?

15 THE WITNESS: Eleanor Gallinger. (phonetic)

DR. UFFEN: Do you meet with her very often in operation of the company?

THE WITNESS: Perhaps twice a week.

I might clarify things if I was to mention that her main function is to co-ordinate the employee relations activities at the head office.

20 DR. UFFEN: To co-ordinate the employees' relations activities at which head office?

THE WITNESS: At the Etobicoke office.

DR. UFFEN: At Manville Canada?

25 THE WITNESS: Right, sir.

DR. UFFEN: Then I must have misinterpreted a statement this morning that that person was in Denver, is that correct? I misunderstood something this morning, and I don't want to go on misunderstanding it.

THE WITNESS: Sure.

30 DR. UFFEN: All right. Thanks.

DR. DUPRE: There still are employee relations





DR. DUPRE: (cont'd.) managers within the individual plants, though?

5 THE WITNESS: Yes. There's an individual employee relations manager in each plant, and I could say that that person there might be doing the same kind of function at the head office, also.

Does that help?

10 DR. DUPRE: Well, it helps, because it brings home to me again that the employee relations managers in the plant report to the plant managers. They do not in any way report to that manager employee relations, in red?

THE WITNESS: Correct.

DR. DUPRE: Thank you.

15 All right, so you are leading off, Mr. Lederer? Proceed.

MR. LEDERER: Mr. Laskin has said I'm playing short stop. I'm not quite sure what the implication of that really is.

20 Mr. Chairman, just so I can explain, I have moved over here only because when I look at Mr. Machin from there, all I can see are his eyes over the top of the desk and it's very unfair - it looks very suspicious from that kind of point of view, from that perspective, so I've decided just to move to a place where we can see each other a bit more clearly.

25 CROSS-EXAMINATION BY MR. LEDERER

30 Q. Mr. Machin, I expect to be very brief. I asked some questions last week of Mr. Cashman, that had to do with an apparent change in policy within Johns-Manville in relation to the route that the government would have to take in order to obtain work histories and medical information with respect to some of your employees at the Toronto plant.



Q. (cont'd.) I'm told that that's not something that you would know anything about. Is that fair?

A. Basically correct.

Q. All right. I only want to put that on the record so that it is evident why I wouldn't be asking any questions with respect to that.

The only other area I want to deal with is the area of the Workman's Compensation Board, and again, I asked Mr. Cashman some questions about that last week, and it was my understanding from him that you would know a bit more about it than he does.

Now, is it fair to say that that is something that falls under your general responsibilities?

A. I had some relation to it, but I think he unfairly expected me to have knowledge of that area, which in being my responsibility as plant manager, I delegated to my employee relations manager.

Q. I see.

Can I put my, I think rather general questions to you, and if we run into any trouble insofar as your knowledge is concerned, we can maybe deal with it at that point.

I can assume, I presume...and just to set the stage a bit...that from time to time Johns-Manville in fact gets claims for compensation, from the Workmen's Compensation Board, in relation to some of its various employees?

Is that a fair statement?

A. You are making an assumption.

Q. Well, I'm asking you whether it's true. You do get claims from time to time?

A. Yes.

Q. Okay. And I presume when those claims come in, you would...well, let me ask you. Do you allow the claims to



5 Q. (cont'd.) go through as a matter of policy, or would you from time to time contest them within the terms of the Workmen's Compensation Legislation in this province, and appeal them to the Board or whatever other avenues may be open to you?

A. I understand they are only questioned at all if we have any question on them, but I think you are getting into an area that I don't know very much about.

10 Q. Is there set policy or a set published or understood...understood within Johns-Manville...criteria which any given case would have to meet before it would be contested?

A. I am unaware of anything like that. Again, you are into an area that I do not know.

15 Q. Well, if you don't know the answer to that, I doubt very much if you can really respond to any of my questions, all of which really fall out of that.

I'm curious to know what, to be entirely open about it, I'm curious to know what Johns-Manville policy is in terms of its response to those kinds of claims - if there is in fact a particular policy of any type.

20 If you don't know the answer to that, perhaps I should just leave it, Mr. Chairman. I don't know whether the Commission is particularly interested in the question or not, whether there is any reason to take it any further. Perhaps there isn't.

25 DR. DUPRE: May I ask, Mr. Machin, to whom might questions such as the one Mr. Lederer has been asking, be directed?

THE WITNESS: My recommendation would be either to Dr. Kotin, if he can answer it tomorrow, or the person that I would know, that handled it when I was responsible, would be my employee relations manager, Rollie Wilson.

30 DR. DUPRE: Okay. So it would be the employee...



ROYAL COMMISSION ON MATTERS OF HEALTH AND SAFETY  
ARISING FROM THE USE OF ASBESTOS IN ONTARIO

CHAIRMAN: J. STEFAN DUPRE, Ph.D.

COMMISSIONERS: J. FRASER MUSTARD, M.D.

ROBERT UFFEN, Ph.D., P.Eng., F.R.S.C.

COUNSEL: JOHN I. LASKIN, LL.B.

APPEARANCES:

Mr. T. Lederer	Government of Ontario
Mr. D. Starkman	Asbestos Victims
Miss L. Jolley	Ontario Federation of Labour
Mr. N. McCombie	Injured Workers Consultants
Mr. R. Evans	Manville Canada Inc.

180 Dundas Street  
Toronto, Ontario  
Monday,  
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Morning Session  
VOLUME 45 A





5 DR. DUPRE: (cont'd.) we are looking at a situation and I'm just trying to grasp your understanding of who is in charge in this area...who is in charge is probably some combination of a plant employee relations manager locally, and some official within HS and E, where the corporation as a whole was concerned. Is that right?

THE WITNESS: That will be some kind of assistance.

DR. DUPRE: Does that help you, counsel?

10 MR. LEDERER: Well, I guess the question I'm left with, sir, is whether the Commission is really interested in dealing with it any further.

DR. DUPRE: Well, the Commission may or may not, in due course. Bear in mind, counsel, that the Commission also has great respect for whatever a party before this inquiry believes wants pursuing, and we leave that in abeyance for the time being.

MR. LEDERER: Thank you, sir.

20 MR. LEDERER: Q. I really only have one other question for you - that was really the central area that I wanted to get at, and it's just a bit of confusion about something that was said this morning.

As I understand it, the industrial hygienists who are employed in Canada, by Johns-Manville, report not to you, but you said this morning, to whomever holds the position vice-president of health, safety and environment?

25 THE WITNESS: A. Towards that responsibility, yes. I don't know the flow, but that's correct.

Q. Now, as I understood Mr. Cashman's evidence of last week, that position was held by Dr. Kotin, has not been filled since he left, although he may still, in a consultive role, be carrying out those functions.

30 First of all, is that your understanding of how that position is currently being managed?



5 A. To my knowledge, there is no one filling that position, and as far as I know, they are still looking for someone. But that's a personal opinion.

Q. The question that falls out of that is, who are the industrial hygienists reporting to today? In the absence of somebody...?

10 A. Well, the industrial hygienists that are residing at Toronto plant report to a chap named Swallow, who reports to a chap named Bill Raitze (phonetic).

Q. What, may I ask, are their positions within the greater scheme of Johns-Manville?

15 A. I can find their titles for you, but I don't know exactly what the titles are.

Bill Raitze is in the hygiene department.

Q. In Johns-Manville in Denver?

A. Yes, sir.

George Swallow works for him in the industrial hygiene department in Denver.

20 Q. When you talk about the department, is that a department built around the position of vice-president health safety and environment, or is that some other department?

A. To my understanding it is. No, it's that department, to my knowledge.

Q. I see. All right.

25 So there is a department, there just isn't a vice-president at the moment?

A. That's my understanding.

Q. And your industrial hygienists continue to report to somebody else within that department?

A. Yes, sir.

30 Q. I understand. Okay.

MR. LEDERER: Thank you very much, Mr. Chairman.



DR. DUPRE: Thank you, Mr. Lederer.

Next? Mr. Starkman? If you please.

MR. STARKMAN: Yes, thank you, Mr. Chairman.

CROSS-EXAMINATION BY MR. STARKMAN

Q. I would like to follow up just on those questions concerning the Workmen's Compensation Board. As I understand it, your employee relations manager would be in charge of dealing with Workmen's Compensation claims?

A. Yes, that would fall within his responsibility.

Q. And whoever that person is would not report their decisions or their movements to you, at the present time as a general production manager? You wouldn't have any discussions then, with the employee relations manager concerning a particular claim or concerning policy regarding the claims?

A. I don't recall any at all, since I have taken my responsibility in this position.

Q. And when you were the plant manager, would you have had those discussions with the employee relations manager?

A. I could have, but I don't recall any specifically.

Q. You don't recall? You don't have meetings at all, to discuss policy or discuss a specific claim, as you can recall ever having done that?

A. No, sir.

Q. So, then, the employee relations manager is essentially...would it be correct to say that they are deciding on Workmen's Compensation issues perhaps in consultation with people in Denver?

Or do you have no knowledge of in fact how decisions are made?

A. I don't, really.

Q. You were present last week when Mr. Cashman





Q. (cont'd.) was here?

A. Yes, sir.

Q. Remember the conversations we had with Mr. Cashman concerning these various bulletins which are exhibit number sixty-five?

I wonder if there is an extra copy of those. Linda, do we have an extra copy of exhibit sixty-five?

These are the various bulletins from Denver...

MISS KAHN: I've got them upstairs.

MR. LASKIN: We have them here. Which one do you want?

MR. STARKMAN: The one...the various bulletins, asbestos policy...

MR. EVANS: Mr. Chairman, if I may beg the Commission's indulgence, may I approach the witness, please, if counsel expects or anticipates to ask some questions in reference to those documents, so I can review them with him?

MR. STARKMAN: Mr. Chairman, I would object to that.

DR. DUPRE: Just before I deal with that, can I just ascertain what exhibit sixty-five is all about again?

MR. LASKIN: Sixty-five is the selection of bulletins emanating from the United States, either from, I believe, the chairman of the board or the director of health, safety and environment, to the Toronto plant.

DR. DUPRE: Your request is granted, Mr. Evans.

MR. EVANS: Thank you.

MR. STARKMAN: Mr. Chairman, I recognize you have ruled on this matter, but you ruled on it before giving me a chance to speak to the request of the solicitor for Johns-Manville, as to why the request ought not to be granted.

DR. DUPRE: Well, I did so, Mr. Starkman, in the



5 DR. DUPRE: (cont'd.) interests of trying to expedite the manning of testimony at this point. It seemed to me quite reasonable to allow Mr. Evans to just look at documents that he may not have seen when he was here last time.

MR. EVANS: I've looked at the documents.

MR. LASKIN: Do you want a copy of that in front of you?

10 MR. EVANS: If you have one, that would solve all my problems.

MR. LASKIN: Yes.

I think probably the easiest way to proceed is, Linda Kahn is going upstairs just to...

15 DR. DUPRE: Oh, what Mr. Evans wants at this point is a copy...

MR. LASKIN: A copy in front of him.

DR. DUPRE: ...and let the witness go ahead and answer these questions.

20 MR. EVANS: At this point, I'm only concerned that he is being inquired of as to certain documents that I don't have in front of me.

MR. LASKIN: That's fair enough.

DR. DUPRE: I see. Well, perhaps we can remedy that by assuring that you have whatever documents we got out of Mr. Cashman, including whatever has not yet been referred to.

25 MR. STARKMAN: Mr. Chairman, would you like me to pass on to another question?

DR. DUPRE: I would appreciate that, Mr. Starkman, because we do wish to expedite matters as much as possible.

Please proceed, Mr. Starkman.

30 MR. STARKMAN: Q. Now, it is my understanding that other than these documents that we have before us, that documents come regularly from Denver to various personnel in



Q. (cont'd.) the field?

THE WITNESS: A. Yes, I would agree with that.

Q. What is your number, by the way? We've had reference to numbers which indicate...

A. My secretary would know, I don't.

Q. Okay.

Now, are there documents concerning the instructions from Denver concerning the types of information that are to be provided to newly-hired employees?

A. I would think that would come under Dr. Kotin's knowledge better than mine.

Q. He would know whether he sent them out, but you, as the plant manager for a period of time, I want to know whether you recall receiving those documents.

A. Relating to giving information to new employees?

Q. Yes.

A. I would assume that that was a fact, but I don't recall don't recall anything.

Q. Do you recall what the instructions were from Denver concerning information to newly-hired employees?

A. No, I don't.

Q. Do you...can you tell us what the practice was?

A. I can very vaguely recall my own situation. I do know in general that we had safety, health, a full medical, in very vague terms, about as detailed as that.

Q. When you say you recall safety/health, what does that mean?

A. They would be given instructions from an employee such as the safety engineer, Al Frank, to watch out for vehicles, wear safety shoes, wear hearing protection and so on,



5 A. (cont'd.) to get directions from the medical staff at the plant, being probably the plant nurse, regarding the use of respirators and so on, from the doctor when he did the medicals, but only in very general terms.

Q. Would it be fair to say there was no set policy or set of instructions which would be given to each employee when they were hired?

10 A. No, I don't think that would be fair because I don't really recall.

Q. You were the plant manager from 1973 to 1978?

A. That's correct.

Q. And you were involved in the hiring of new personnel?

15 A. Not directly.

Q. Who did the hiring?

A. That would be under the employee relations manager.

Q. You don't recall giving any instructions to the employee relations manager concerning...

20 A. There were policies that would be in effect at that time.

Q. But that's what I'm inquiring into, what policies were in effect at that time.

A. I don't know the details on that.

25 Q. Okay. Other than what you have already told us, was there anything that was given to newly-hired employees, in writing, in booklets, pamphlets?

A. I can recall in the 1975 area, there were pamphlets handed out on smoking, and that's one example, but I don't have the details in my head right now. I don't remember that.

30 Q. Can you help us at all, I know you don't have





5 Q. (cont'd.) the details, but I haven't even got the broad strokes as to what this program was like.

A. I'm sorry I'm human, but I covered a lot of areas and I don't remember.

Q. Okay. Right...at the present time you are the general production manager?

A. That's correct.

10 Q. Would you have the overall responsibility for production at the plant in Scarborough?

A. Yes.

Q. And that includes hiring?

A. That would fall underneath the plant, yes.

15 Q. Can you tell us, then, what the program is at present for giving health information to newly-hired employees?

A. Not in any great detail. I do know there is a full medical that includes a cardiogram and some blood work, and a physical, that there is instruction given by the plant nurse, to the individual, regarding health aspects, but I don't have the intimate detail or more than that in my head.

20 Q. Do you instruct the nurse and your employee relation manager, by memorandum, as to what to tell newly-hired employees?

A. By memorandum? I believe there would be a policy on that.

25 Q. Is it your policy, or is it Denver's policy?

A. I don't see that there might be any difference.

Q. Well, perhaps I'll rephrase it. Is it a memorandum which emanated from your office, or did it emanate from Denver?

A. I'm not sure.

30 Q. Can you provide us with a copy of that policy?

A. I can check and see.



Q. You will check and see if there is a policy, and provide it to us if it is available?

A. Yes.

Q. But other than what you told us, you cannot recall anything else which might assist the Commission in terms of the type of information that is provided? That was provided to Johns-Manville employees in the period you were plant manager, or any other information about the present policy?

A. Just that they were given the information I just told you - as far as a medical checkup goes, and safety and health.. not many details.

Q. I have here a little book called Safe Work Manual - Johns-Manville. I wonder if you recognize that?

A. No, I don't.

Q. You don't recognize that?

A. I don't recall it.

Q. You don't know if that was given out to the employees...

A. I couldn't tell you.

Q. Now, I take it your counsel now has a copy of this exhibit sixty-five. Perhaps we can go back to that.

Now, it's asbestos policy. Do you recall receiving this?

A. No, I don't recall receiving it.

Q. You don't know if it was...have you seen this before today?

A. Not to my recollection, but I might have.

Q. Okay. Do you recall having discussions with anyone concerning this policy?

A. No, I don't.

Q. Do you know if this policy was ever posted in the Scarborough plant?



A. No, I don't.

Q. Have you ever seen this policy posted?

A. Not to my recollection.

Q. Have you ever talked about it with anybody from Johns-Manville?

A. Not to my recollection.

Q. Have you ever talked about it with the union?

A. Not to my recollection.

DR. DUPRE: Just one point to make sure it's clear in my own mind, counsel, if I might.

The bulletin to which Mr. Starkman is referring is April 16, 1980, correct?

THE WITNESS: Yes, sir.

DR. DUPRE: It would, therefore, mean that when it was issued you were basically a production engineer in Toronto?

THE WITNESS: That's correct.

MR. STARKMAN: Q. Now, perhaps we could go to the next one in order. The copy I have doesn't seem to have a date on it. I don't know if anyone else has a date on that copy. The one that begins, health concerns related to asbestos products.

MR. LASKIN: The original is undated.

MR. STARKMAN: All right.

MR. STARKMAN: Q. Now, this is a bulletin from Paul Kotin, M.D. Do you recall receiving this bulletin? Have you ever seen it before?

THE WITNESS: A. Not to my recollection.

Q. Have you ever seen it posted?

A. Not to my recollection.

Q. Now, what about the next one, which is September 8th, 1978. It's also a bulletin, on Johns-Manville stationery, from Paul Kotin. Do you recall receiving that?





A. No, I don't.

Q. Or seeing it in any place prior to these  
5 hearings?

A. I'm sorry. I don't.

DR. DUPRE: Again, to situate this, am I correct  
in remembering that you departed for Denver in January of 1978?

THE WITNESS: Yes, sir.

MR. STARKMAN: Q. Now, the next one in my  
10 compilation is...appears also to be undated. I don't know if  
anyone...this is the one that is signed by Mr. McKinney, and seems  
to be on Johns-Manville letterhead.

Do you recall seeing this communication?

THE WITNESS: A. No, I don't recall seeing it.

Q. Do you ever recall seeing it posted?  
15

A. No, I don't recall seeing it posted.

Q. Now, if you didn't see this bulletin on asbestos,  
the policies...

A. I don't recall seeing it.

Q. Okay, you don't recall seeing it.

A. Right.  
20

Q. During the time that you were the manager of  
the plant in Scarborough, can you tell us what was Johns-Manville's  
asbestos policy?

A. No, I couldn't tell you what the policy was.  
I could probably put some words together, what would be my  
25 understanding of what it might be, but I couldn't recall the policy.

Q. Do you recall receiving any instructions from  
your superiors, or having any conversations with people at Johns-  
Manville concerning their asbestos policy, during the time you  
were plant manager?

A. Yes. Relating to the fact that we would work  
30 towards the guideline TLV's, and take all the necessary precautions



A. (cont'd.) in those things, yes.

But I don't recall what media, or whether they were posted on a board, or whatever.

Q. Well, would you say that Johns-Manville's asbestos policy was to meet the...as described by Mr. Cashman, to meet the TLV's in the particular jurisdiction, or the American TLV, whichever is lower? Was that their policy?

A. I don't know that that was the policy. All I know is that we were striving at the plant to try and get to the lowest level we could.

Q. What Mr. Cashman said about that being the policy, is what you are telling us today that that had never been formally transmitted to you, when you were the plant manager, that you can recall?

A. What do you mean by 'formally communicated'?

Q. Well, when he said that this was the policy of Johns-Manville, now I'm just asking you whether that policy was communicated to you as the plant manager of an asbestos-producing or manufacturing facility in Scarborough?

A. To my recollection, the standards in Ontario, where I was the plant manager, were always more stringent than the ones States-side, and therefore we were living with tighter standards than what they had to anywhere else.

Q. But were you aware that the policy was to meet the lesser of the American standard or the standard in the particular jurisdiction?

A. I don't recall that being stated to me.

Q. Now, you said that it was the policy to reach the lowest possible levels, lowest possible TLV, is that what you just said?

A. That was a general statement of what I said, yes.



Q. And is that Johns-Manville's policy?

A. I can't say whether it is or not.

Q. But when you said that...well...

A. That was the philosophy that we worked on at Toronto plant.

Q. To meet the lowest possible standards? Lowest possible TLV? To obtain the lowest possible TLV? That was the policy at Toronto plant?

A. Continually working towards reducing the levels in the plant to what we possibly could get down to.

Q. Okay.

Now, this morning there was some discussion of the capital expenditures at the Toronto plant. I guess you would be aware that in 1972, the standard was reduced to two parts per million?

A. I don't know...I don't recall that specific time. There were three numbers I recall - twelve, five and two.

Q. Okay. Well, you became plant manager in 1973?

A. Correct.

Q. And prior to that you were...I've got it written down...you were production engineer?

A. Correct.

Q. At the Johns-Manville plant or in Port Credit? You were at the office in Port Credit?

A. That's correct.

Q. But you were in charge of production in Scarborough?

A. No.

Q. You were an engineer concerned with production in Scarborough?

A. Correct.

Q. What was the TLV at that time, 1969?



A. I don't recall.

Q. What was it in 1972?

A. I don't recall. You just told me it was changed.

Q. Well, do you recall what it was in 1973, when you became plant manager?

A. No, I don't.

Q. Do you know what it is today?

A. Not for sure.

Q. But even though you don't know what it is, you are still working to reducing it to lowest possible levels?

A. No, we don't have any operations out there that have asbestos...

Q. Until it shut down, all right.

.Now, I take it that all these capital...that these expenditures, dust-related expenditures, were designed to reduce the dust counts to the lowest possible level?

A. That could be a general statement. It could also be used to improve flow of materials, or air flow in the building, or a number of reasons.

Q. When you were the plant manager, do you recall having any conversations with the Scarborough Department of Health, concerning conditions at the plant?

A. Yes.

Q. I would like to show you a resolution of the Scarborough...the Corporation of the Borough of Scarborough, and ask whether you are familiar with this.

I have copies here, if anyone wants them.

DR. DUPRE: Do we need a number for that, counsel?

MR. LASKIN: Are you putting it in?

MR. STARKMAN: Well, see if the witness...

MR. LASKIN: See if he can identify it.





MR. STARKMAN: Q. Yes, do you recognize this resolution?

THE WITNESS: A. I don't recall it.

Q. Well, do you recall having discussions with the Scarborough Board of Health?

A. I said earlier I did.

Q. What were their concerns?

A. To my recollection, their concerns were that they were trying to get involved with the health aspect of the plant, which they had to that point in time not been too directly involved with.

Q. Yes. But what were their concerns about the health aspects of the plant?

A. I can recall some discussion relating to the release of medical information, of employees, to the point where I was advised once that my medical health records were in the hands of the union representatives.

Q. Yes?

What else...what other concerns did they have?

A. That's all I can recall.

Q. Well, in this resolution they suggest that their concerns are things like the wearing of protective coveralls, etc., and they raise a number of issues, in this resolution. Did they bring those issues to your attention?

A. I don't recall if they did.

DR. DUPRE: Do you recall the name of the Scarborough Medical Officer of Health at the time?

THE WITNESS: The assistant, I believe, was Dr. Fitzgerald...

DR. DUPRE: Dr. Fitzgerald.

THE WITNESS: ...who was working underneath some other doctor. I don't recall his name.

DR. DUPRE: Was it Dr. Fitzgerald with whom you



DR. DUPRE: (cont'd.) had conversations concerning this resolution?

5 THE WITNESS: Yes, it was. I don't know whether it was this particular resolution or not, but it was relating to the operations of the plant that I had discussions with Dr. Fitzgerald.

10 DR. DUPRE: He was the only Borough official with whom you had conversations concerning this, to the best of your recollection?

THE WITNESS: No. I did have conversation, I believe, with his predecessor to his present job. I don't recall who it was.

15 DR. DUPRE: Now, in the wake of the conversations did you become involved with, or did you refer some of these concerns to either your industrial hygienist or to other individuals in the plant?

THE WITNESS: To the best of my recollection, the discussions we had, the employee relations manager was there.

I don't know who else was there, but he was there.

20 DR. DUPRE: Could I ask you this, in that what we have here and what surrounded these conversations was self-evidently a concern expressed by a local government agency, would health, safety and environment in Denver be notified as a matter of course, that these kinds of concerns were being expressed by a local government agency in which one of the company's plants was operating?

25 THE WITNESS: I believe that probably would have occurred. I don't recall.

30 DR. DUPRE: If they had been informed, it would have been the responsibility of whom? Of the employee relations manager, to convey this kind of concern to them?

THE WITNESS: Yes.



5 MR. STARKMAN: Q. Mr. Machin, just so I can understand how this thing would really work, if a resolution of this sort came to the attention of the employee relations manager, could it be that that person would not, in due course, report back to you?

THE WITNESS: A. Very unlikely. I think he would have.

10 Q. Anyway, from the discussions, all you recall is that the Scarborough Board of Health was concerned about the release of medical information, you told us that. Can you recall anything else they were concerned about?

A. Not really.

15 Q. Can you recall any actions that were taken in response to their concerns?

A. Not really.

Q. What was their concern about the release of medical information?

20 A. My personal feeling was that they just wanted to get in on it and make sure that it was being done.

Q. I'm sorry. They wanted to get in on what?

A. On what was happening at the Toronto plant regarding the safety and health of the employees...the health of the employees.

25 Q. Yes. So, I mean, was it their concern that they wanted the information released to them, or they were concerned about the release of medical information?

A. I'm not sure.

Q. What was the policy of Johns-Manville concerning the release of employees' medical records?

A. I think you had better to ask that of Dr. Kotin.

30 Q. Well, would you receive...we will ask it of Dr. Kotin, but what I'm asking you is, did you receive communications





Q. (cont'd.) from Denver concerning this policy?

A. I probably did, but I don't recall.

Q. All right. Do you recall what the policy is?

A. No, I don't recall.

Q. Do you recall what in fact you did?

A. What I did?

Q. Well, I'm asking you...you said you didn't recall what the policy was. Can you tell me what in fact happened concerning the release of medical records?

A. No, I don't.

Q. You can't even recall what happened, and you were plant manager for five years?

A. That's right. I can't even remember my wife's anniversary at times.

DR. DUPRE: Could I interject the following, if you please, counsel?

In that a local health agency would be trying, as you put it, to get in on the act, would you or would...well, would such a matter have been brought to the attention of the provincial government inspectors, with respect to the fact that another jurisdiction is raising concerns about matters that involve provincial inspectors? Is that a possibility?

THE WITNESS: I don't really know.

MR. STARKMAN: Q. So you don't recall even what the practice was at the plant, concerning the release of medical records, when you were the plant manager?

THE WITNESS: A. I know that you had to have the employee's consent, and at one time my personal records were going to be put somewhere through the union representatives, and that was not in order. So I know that there had to be a release from the employee himself to release information.

Other than, that, I don't know any details of it.



A. (cont'd.) That falls in the area of employee relations manager.

Q. Who reports to you?

A. Mmm-hmm.

Q. Are you aware of what the practice is at the present time?

A. I don't believe it has changed.

Q. So you say you don't believe it has changed, and the practice is that no employee information is released, except with the consent of the employee concerned?

A. That's what I understand.

Q. That would include to parties such as the Workmen's Compensation Board?

A. I would believe to any party.

Q. To any party.

I would like...dealing now with the question of the inspection, those that were done by the Johns-Manville hygienists, how many times a year would they inspect a plant, say to take dust readings?

A. Generally two times per year.

Q. Two times per year. And how long would it take for the results to be received back from the lab, and to get back to your attention?

A. I would believe it would average about three to four weeks, on that order.

Q. Now, if you received a dust reading that was above the legal limit, what steps would you take?

A. In consultation with employee relations manager reviewing the report, we would put into effect a policy to take respirators into that operation at that time, and investigate what was going on as to why the reading was different than what it was before, if it was up, and what had gone wrong.



A. (cont'd.) It was a case of taking the precaution until we found out what had really happened.

5 Q. So there would be times, then, I guess, when employees at the plant would be wearing respirators?

A. That's correct.

Q. Did you keep a record of the number of times that people were required to wear respirators?

10 A. I'm not sure. I imagine if we went through the results of the hygiene surveys as to the TLV's, you can relate that to the number of times employees wore respirators.

Q. But there was no separate record kept of the wearing of respirators?

A. I don't recall any. I'm not sure.

15 Q. What kind of respirators would people be wearing?

A. They did studies from time to time to evaluate what kind of respirator was best suited for different exposures. We are relating here to asbestos fibers, and there were certain set standard respirators that were qualified for doing the job. The details of them, I don't recall.

20 I know the ones that I do remember seeing had twin cartridges on the sides, and there were other ones that had a cartridge up on the front. The details I don't recall, again.

Q. Do you recall times when people wore just surgical masks, in the plant?

25 A. There are people still in the plant today wearing surgical masks, as I know it, for nuisance dust. But the respirator is required for different stations in the plant. There's certain types of respirators to be worn in there.

30 Q. Did you ever purchase respirators for the plant?

A. The purchasing manager would have purchased



A. (cont'd.) respirators for the plant.

Q. That was someone under your control?

A. Yes. Mmm-hmm.

Q. But you left the decisions up to the purchasing manager?

A. No, he would have to meet the criteria for certain types of respirators that would probably be directed from the employee relations manager getting counselling from the hygiene group.

Q. So as I understand it then, if the report came back above the legal TLV, then people were required to put on respirators immediately, and the respirators stayed on until an acceptable report came back. Is that the type of thing you are telling me?

A. Yes.

Q. Which would be at least another three weeks after...even if the readings were taken on the same day as the report...

A. There would be quite a time factor involved. We would try and expedite the results to see if we could improve it.

So, what they would do when they took the total readings, of course, was to get all results back. But if you had a particular case that you were trying to pin down, you could take a quicker turnaround time on that.

Q. You could request a quicker turnaround time out of Asbestos?

A. Mmm-hmm.

Q. And what turnaround time would that be, on an expedite?

A. I imagine we could get something down to a week, but I could verify that.





Q. But you don't recall?

A. No, I don't. The three or four week period would relate to the total survey.

Q. The committees, the health and safety committees, would they receive copies of these reports that came back from Johns-Manville hygienists?

A. As I recall, we were giving them to them, through the employee relations manager.

Q. I believe they were posted...I think the results were posted on the bulletin boards, at some point in time.

Q. Do you recall...was that the policy throughout the time you were the plant manager, to post them, or did policy change?

A. I don't believe so.

Q. Pardon?

A. I don't believe so. I think we communicated and tried to improve communications.

Q. Well, I thought I was asking whether or not it was the policy to post the hygienists findings, through the entire time you were plant manager.

A. I don't recall that it was, but I do recall that we were doing it at some point in time. But I don't think it was all through the piece.

Q. So...I mean, you recall at some point in time you were posting them. Is that what you are telling me?

A. Yes.

Q. Would you also be communicating with the... during your entire period as plant manager, communicating with the health and safety committee?

A. Yes, through the employee relations. Pardon me?

Q. As to the results of these tests?

A. To my knowledge, yes.



5 DR. DUPRE: When you recall that there was a practice of posting, is your recollection that the posting was going on and off, or is it your recollection that at a particular point in time you started to post as a matter of regular practice?

THE WITNESS: The latter.

DR. DUPRE: The latter? Roughly when would that be?

10 THE WITNESS: I can't really recall, except I believe it was during my tenure as plant manager some time.

MR. STARKMAN: Q. Now, the minutes of the health and safety committee meetings, what would happen to them? Would they come to your attention?

15 THE WITNESS: A. I believe I've got copies of them, and the employee relations manager would probably review them with me, but I don't recall specifics.

Q. So you don't recall specifically meeting with your management to discuss issues raised at health and safety committee meetings?

20 A. They would probably be discussed at the plant managers meeting which I held once every one or two weeks, if there was any items in there that came up that were important to resolve.

25 Q. So as I understand it, the employee relations manager, he had a delegate or a designate sitting on the health and safety committee, who would probably report to him, who would then report to you at the plant managers meeting?

A. Yes. I can recall that, you know, on occasions they would come right in and talk to me on that.

Q. Who is they?

30 A. The representative from the health and safety committee.

Q. Did you ever keep a record as to what happens to the concerns that were raised at the health and safety



Q. (cont'd.) committee meetings?

5 A. I believe the employee relations manager looked after that...outstanding issues.

Q. So it's the employee relations manager who essentially would be involved with keeping track of the outstanding issues?

A. Yes, sir.

10 Q. If you look at this chart that's up on the board there, I am still confused about the question of collective bargaining. If you have an employee relations manager, is that the person who would do the bargaining on behalf of the Scarborough plant?

15 A. He was the principal management representative, yes.

Q. And then...

DR. DUPRE: That is to say, the employee relations manager within the plant?

THE WITNESS: Correct.

20 DR. DUPRE: Always not to be confused with the one in red?

THE WITNESS: Right.

MR. STARKMAN: Q. Okay. So the one in red, up there it says manager employee relations, what involvement would that person have?

25 THE WITNESS: A. None.

Q. So I guess, then, it would be the employee relations manager of the particular plant - in this case, Scarborough - in consultation with people at head office?

A. Both in the division and in head office.

30 Q. Would a contract...before you could sign a contract at the plant in Scarborough, do you have to have it ratified at head office?





A. The division general manager had the overriding responsibility for that, I would say, yes.

5 Q. The division general manager. So in a case when you were the plant manager, that would be whoever it was in charge of the product division? Is that...?

A. Canadian products division. That's correct.

10 Q. Do you know whether that person needed authority from anyone further up the ladder, or they had the final authority to ratify contracts?

A. There would be certain areas, I guess, that would have to be made sure they were in line with overall corporate policy.

15 Q. What areas are those?

A. Well, I would believe it would get into areas such as anything that related to policy that might be deviate at a plant, trying to standard...I believe things such as standardizing on such matters as fringe benefits and work practices.

20 Q. Health and safety matters?

A. I don't really think that would get into it. I really don't.

We had certain guidelines to try and run the plant with, and that would be the way we would try and run it.

25 Q. What guidelines were those that you were supposed to run the plant by?

A. Well, to live within the recommended TLV values, and that kind of thing.

30 Q. And, of course, to reduce them to the lowest possible level?

A. Yes, sir.

Q. Now, the Workmen's Compensation Board assesses each employer, as I understand it, for purposes of a pooling



Q. (cont'd.) system for payments of benefits to those who are injured.

5 I am just wondering, would the WCB assessment be paid by you as the plant manager, or would that be handled by someone higher up in the organization?

A. The payment would probably be made by the finance office at the plant.

10 Q. And they would be under your direction and control?

A. Yes.

Q. Do you recall ever having discussions with the Workmen's Compensation Board concerning your assessment?

A. No, I don't.

15 Q. Do you know anything about the assessment?

A. No, I don't.

I might know, but I don't recall it. Like, I don't remember anything about it.

20 I do know something about it, and that was if our safety record was in line we got some kind of relief, but that's about as much as I can recall on it.

I remember working with Al Frank and telling me once that our safety record was good, and that was helping our assessment. That's about as much as I can recall.

25 Q. Did you also know that if your safety record was very bad you could be subject to a penalty?

A. Yes. The converse was also true, yes.

Q. I'm sorry. I didn't hear you.

A. That's correct.

Q. Do you ever recall having to pay a penalty?

A. No, I don't recall having to pay a penalty.

30 Q. Was the...in your experience at the plant was any portion of the plant ever closed down because of poor



Q. (cont'd.) working conditions, health and safety problems?

5 A. I can recall hearing of times when the people left the plant when there was a malfunction of the dust collecting equipment, and they exited from the plant until things were rectified. It was on a very intermittent and short-term basis.

Q. This is when you were there, or prior to your being there?

10 A. I don't recall it happening when I was there, at the time.

Q. The filtration system that was at the plant, that collected the dust, how was it emptied?

15 A. The material went inside of a fabric bag and collected over a period of time, with the air passing through the wall of the bag, and then that compartment would be isolated from operation, and then that bag section would be shaken to shake the material that had collected on the inside of the bag down on the hopper below the bag's cell structure. Then there was a screw conveyor that would run through rotary valves and deposit that material into a bucket.

20 Q. Yes?

A. What did we do with the buckets?

Q. Yes.

25 A. The buckets were either returned to the wet-end system and fed back into the material-usage system to put back into the product, or they were taken to another disposal system over by the flex board shop, where they were added with water and taken down to the lagoon system, into the settling basin.

30 Q. I guess there's two problems, two questions I have with it. How were the buckets handled? Were they handled manually, by fork lift truck?



Q. (cont'd.) out of the water?

A. The cement and the silex and the asbestos fiber that was remaining in the white water.

Q. It was pumped out. And what happened to that site since the asbestos operation closed down?

A. We put topsoil on and grew grass cover on the embankments, and it's just sitting there with water in it... and some ducks.

Q. I wanted to deal with a few of the expenditures that are mentioned on this sheet. I guess one I direct your attention to is the double-locker system. Do you recall when that was installed?

A. I believe that shows 1975 for pipe, and 1978 or 1979 for insulation.

Q. Do you know...can you tell me why it was installed at that time?

A. If I read the appropriation request, I would have more knowledge of it. It was an improvement to our operations at the plant.

Q. But what I'm really getting at is, do you know why it wasn't done earlier? It seems like a logical...to me it just seems like a logical thing to do.

A. No, I don't really have any logical reason why it wasn't done earlier, or whether we thought to doing it earlier.

Q. Do you recall going to a meeting at Scarborough council, with Dr. Kotin and Mr. Reese, I guess?

A. Reeve?

Q. Reese.

DR. DUPRE: Are you referring to Mr. James Reese?

MR. STARKMAN: Yes.

THE WITNESS: A. No, I don't recall. I remember





A. (cont'd.) going to the Scarborough council chamber once on a meeting, but I don't think Dr. Kotin was there, to my recollection.

5 Q. Do you know what...can you tell us what that meeting was about?

A. I think it related to that other matter, the Scarborough involvement in the health of the employees at the plant.

10 Q. I understand that there was a doctor out at the plant called Dr. Coursin, would that be correct?

A. He visited the plant once a week, or something like that.

Q. Did he have an office there?

A. Pardon me?

15 Q. He had an office there?

A. We had facilities at the plant for him to use.

Q. And that was a retainer type of arrangement?

A. Yes.

Q. Is that corporate policy, to have that type of arrangement?

20 A. I don't really know whether it was corporate policy or not.

Q. That was your policy?

A. That's what happened. That's what was there. I don't know if it was a policy or not.

25 Q. Would you have discussions with Dr. Coursin as to the result of his examinations?

A. I don't recall. He probably did with the employee relations manager.

Q. So Dr. Coursin would deal with the employee relations manager?

30 A. Yes.

MR. STARKMAN: I have no further questions.



5 DR. DUPRE: Just before I pass on to the next  
questioner, since Mr. Starkman drew your attention to it, could  
I draw your attention to the fifth page in this gathering of  
directives from headquarters. This is the page that is...has at  
the head the name John A McKinney, chairman of the board and  
chief executive officer, and I wanted to draw your attention  
to the second paragraph...this is an historical description, I  
guess, but it says:

"Since August, 1977, a no-smoking program has  
been instituted in J-M's asbestos-processing  
plants."

10 Now, do I take it that the no-smoking program  
was introduced into the Scarborough plant from the time when  
you were plant manager?

15 THE WITNESS: The employee relations manager and  
I implemented a no-smoking program prior to the company putting  
one in, and with the assistance of the union representatives of  
the plant, and in my recollection it was in 1975, I believe.

20 DR. DUPRE: It was in 1975 that your no-smoking  
program was instituted.

Do you have any reflections to offer on the  
success or otherwise of this no-smoking program?

25 THE WITNESS: I don't recall too much about it  
other than we tried to take a reasonable disciplinary course  
because we were trying to accomplish nonsmoking rather than  
disciplining employees, and I recall the supervisors had as  
much trouble with it as the employees did, which made it very  
difficult. We had a lot of support, and that's about all I  
can recall.

30 DR. DUPRE: You had a lot of support from both  
these employees and the union?

THE WITNESS: Yes.



DR. DUPRE: So would you say that all in all the  
no-smoking program made a constructive contribution to the climate  
of management/employee relations in the plant?

THE WITNESS: Yes, I would say that.

DR. DUPRE: Miss Jolley, if you please.

CROSS-EXAMINATION BY MISS JOLLEY

Q. I just have a few questions.

You indicated to Mr. Starkman that it was the J-M  
policy to live within the TLV guidelines?

A. It was our philosophy at the plant to try and  
run at the lowest levels we could.

Q. And you recall that Ontario was always more  
stringent than the U.S. standard?

A. That's my recollection, yes.

Q. But you don't recall exactly when...?

A. I'm sure I could get that for you, but...

Q. No, I think we've had evidence before the  
Commission when the TLV's were changed in Ontario, but I'm  
trying to find out whether...what you knew about the TLV's.

A. It just seemed to me when I started it was  
around the twelve mark, and went down. When it was, I don't  
recall.

Q. Do you recall it was during the time that  
you were the plant manager, that it went down?

A. No, I can't even be that specific. It went  
twelve, five and two. When, I would have to go and look it up.

Q. You indicated that you had, when you received  
government and company hygiene reports, that you and the employee  
relations manager would discuss what ought to be done then?

A. We would review the report initially, and  
then we would probably bring others of the plant staff that





A. (cont'd.) reported to me into a meeting to see what we could do.

Q. Right.

A. For example, the production superintendent or the plant engineer, if it involved equipment or working conditions or whatever.

Q. I would like to put forward a report from the Jeffrey Hygiene Laboratory. Now, you have indicated to us that the hygienists would do readings in your plant, and presumably this was your plant...it mentions your name as the plant manager on the front of this document...and that the readings at this point in time were taken in 1974, received, I gather by you, on February 28th of 1975, is that correct?

A. The nomenclature on the top right corner indicates February 28th, 1975.

Q. Right, right.

A. The document I have in front of me is dated January 10th.

Q. Right, right.

This was a hygienist's report about the plant in Toronto, is that right? Is that correct?

A. It appears to be so, for sure.

Q. I guess what concerns me is on page two, if you look to page two...and I haven't xeroxed the entire report because I don't think it's necessary...but on page two, they refer to the TLV for asbestos being five fibers per cubic centimeter.

A. That's what appears here, yes.

Q. Right. When you discussed such a report, would you and the employee relations manager not be aware that the TLV was something else than five?

A. We would be aware of whatever it was when we were there.



Q. When you were there.

A. You are inferring that it was something  
5 different?

Q. Than five?

A. Yes.

Q. Well, this is dated in 1974, dated 1975, and  
the TLV in Ontario was two fibers in 1972.

10 Unfortunately, I haven't xeroxed this part because  
it was evidence introduced last week with Mr. Rajhans, but again,  
you indicate that you discussed these reports, and there is a  
Ministry of Labour report that was introduced last week, and  
I'll just read the section I would like you to comment on:

15 "The union, in their letter, have talked about  
our new TLV of two fibers per cubic centimeter"...  
I'm sorry, this particular report was dated June 20th, 1974, and  
it's from Mr. Rajhans, and it was the Johns-Manville plant.

20 "The union, in their letter, have talked about  
our new TLV of two fibers per c.c., and indicated  
that the company had no knowledge of this TLV.  
I find it very strange, as my last report dated  
April 5, 1973, mentions the TLV of two fibers  
per cubic centimeter several times."

25 Now, presumably you discussed the Ministry of  
Labour reports with your employee relations, and therefore  
should have been aware, in 1973 when you became plant manager,  
that the TLV was two fibers?

A. I can recall...and you are discussing this  
with me right now...having some dialogue with Dr. Nelson, Hugh  
Nelson, as to when he was actually putting in the new guideline  
of two fibers per c.c.

30 I can't recall how long that lasted, but I think  
some discussions about when this guideline was being switched



5 A. (cont'd.) down to two fibers per c.c. took some length of time - to my recollection, months. It might be this particular period of time that you are referring to.

Q. Well, this is a discussion in 1974 that's taking place. Your industrial hygienist, in 1974, in this report dated 1975, is indicating that they aren't aware of the moving down, and that's not several months after 1972.

10 A. Well, the survey was done in December, if I read right here.

Q. Of 1974.

A. Yes.

Q. That's two years after we've moved down.

15 A. I thought the letter you were referring to was dated 1974.

Q. I was reading a reference from Mr. Rajhans in June of 1974, and these are readings in 1974 from your own hygienist, who is referring to a five fiber guideline.

I'm just trying to understand where the breakdown in communications is coming, that..

20 A. It could well be that the breakdown in communications might be that the hygienist was still using the U.S. guideline of five, even though we had a two in Ontario.

Q. But you, as a plant manager, must have been aware of the two because of these other reports from the Ministry of Labour.

25 A. I'm not saying I didn't, and I don't know whether I accepted these as a five or not, at the time. I'm just looking through here and seeing that there is one, two... there are what, one, two, three that are over there, is that right?

30 Q. I think there were a couple more.

DR. UFFEN: That are over which?



5 THE WITNESS: Two. Willow-feed operator, epoxy bonding is two point two, the machine slurry trough is seven point three, machine operator or tender operator number one is six.

We would use the standard, whatever it was. If it was two, that was what we would be looking at.

10 DR. UFFEN: Could I clarify something, I'm not quite clear?

I'm going back to the one that you just handed out copies of, Miss Jolley, and it says, the Jeffrey Industrial Hygiene Laboratory. Could we just tie down where the Jeffrey Industrial Hygiene Laboratory is and who owns it and runs it?

15 THE WITNESS: It's a laboratory in Asbestos...

DR. UFFEN: Quebec?

20 THE WITNESS: Quebec. And they call it the Jeffrey Mine, so that's why we call it the Jeffrey Industrial Hygiene Laboratory, and it would be operated by Manville.

DR. UFFEN: Just for clarification, Mr. E.J., or Ms. E.J. Stevens, whoever, is an industrial hygienist, or was, employed by Johns-Manville?

25 THE WITNESS: That's correct.

MISS JOLLEY: Q. Was Mr. E.J. Stevens, just to clarify that, was he an employee at the West Hill plant?

THE WITNESS: A. He works out of the West Hill plant at present.

30 Q. Therefore he is working in Ontario, and he was at that time?

A. He has since recently, but he used to work at Asbestos, Quebec.

DR. DUPRE: As I understand your testimony this morning, and recollect it, at the time, 1975, that this report would have been made, Mr. Stevens was visiting the Toronto plant





DR. DUPRE: (cont'd.) but operating out of Asbestos, Quebec, which was also the location of the lab?

5 THE WITNESS: Correct.

DR. DUPRE: And the location of the lab shifted to Toronto, and Mr. Stevens moved to Toronto?

THE WITNESS: That's correct.

DR. DUPRE: Thank you.

10 MISS JOLLEY: Q. May I refer you to the front page again, it has confidential on it? Can you tell us whether the employees ever saw this report at the time you received it?

THE WITNESS: A. I couldn't tell you as to my recollection whether they saw this one or not.

15 I do recall, as I stated earlier, that we ended up putting these on the bulletin board. I don't know when.

Q. I think that was in response to the legislation, was it not?

A. I don't recall.

20 Q. Could I proceed with another comment you made this morning, and you were talking about medical confidentiality and the release of medical records, and you said that you were not able to release medical records without the employee's permission. Is that correct?

A. That's to my understanding of it, yes.

Q. I would like to know how you got medical records.

25 A. Me?

Q. Yes.

A. I have never seen medical records.

Q. But you indicated to us that you couldn't release them without...

30 A. Repeat that, please?

Q. I'm sorry. This morning you said that you could



Q. (cont'd.) not release medical information without the employee's permission.

A. That's my understanding of it, yes.

Q. I guess the operative word is 'you', and I must have misinterpreted you to mean that you had medical information.

A. I don't have any medical information on any employees at the plant, unless I talk to them as individuals.

Q. Did the employee relations manager have medical information?

A. I'm not sure. I would doubt it.

Q. Could I talk to you about the lagoon system? Exactly when was the lagoon system instituted at J-M?

A. I would assume it was at the very beginning of the plant...1947 or 1948.

Q. When you cleaned out the lagoons, where did you put the asbestos fibers and cement dust, etc.?

A. The lagoons were usually cleaned out with a grade-all or a back hoe, and the material was built-up into dikes around the lagoon area to raise the level of the lagoon, or it was levelled on the tailing property down at the back end of the plant property.

Q. The tailing property. Has that been covered over?

A. Yes.

Q. Can I talk to you about the dumping of the asbestos-cement pipes when you closed down the transite pipe operation? My understanding is that they were dumped on the property.

A. I believe they were left there and broken down there and left there, yes.

Q. Do you have any intention of landfilling that over?



5 A. To my recollection, the pipes are broken down. There might be some areas that were layered over, but I don't see why we would do anything different with it.

Q. Did the Ministry of Environment not demand that you landfill that site?

A. They supervised and gave us, I think, some suggestions as to how to properly handle it.

10 Q. You have applied for rezoning for that area, as far as I understand, is that correct?

A. We have a permit to operate a dump site or landfill site, I think is the correct terminology. That came up for renewal, and we have applied for renewal of it.

Q. Renewal, not rezoning?

15 A. Renewal of the landfill site.

Q. Okay.

MISS JOLLEY: I think that's all the questions I have.

DR. DUPRE: Mr. McCombie?

CROSS-EXAMINATION BY MR. McCOMBIE

20 Q. I just have one brief area that you may or may not be able to help us on. That concerns the Canadian Asbestos Information Center in Montreal, Quebec. Are you familiar with the...?

A. Not at all, sir.

25 Q. You are not at all familiar with it.

Maybe just to enlighten yourself and other members of the Commission, I just received a pamphlet from this organization. They are opening in June of 1972...1982, sorry.

The government of Canada has joined these two founding institutes, being two institutes in Quebec.

30 It says: "Membership is composed of all Canadian





Q. (cont'd.) "asbestos producers and the government of Quebec."

5 So you are not aware of Johns-Manville's participation in...?

A. No, I'm not.

Q. In this organization. And you've never heard of the organization?

A. Repeat the name of it, again?

10 Q. Canadian Asbestos Information Center.

A. I might have, but I don't recall.

MR. McCOMBIE: Okay, thank you.

DR. DUPRE: Mr. Evans?

15 MR. EVANS: Mr. Chairman, I have no questions I would like to ask.

DR. DUPRE: Thank you.

Mr. Laskin, please?

MR. LASKIN: I just have a few questions, Mr. Machin.

20 CROSS-EXAMINATION BY MR. LASKIN

Q. Are you familiar with the Special Rehabilitation Assistance Program carried out by the WCB, at the Johns-Manville plant, about 1975?

25 A. I knew there was one. I recall that there was an effort to get ten or twelve people involved and they had some difficulty. That's about all I can recall of it.

Q. You were plant manager at that time?

A. Yes.

Q. Were you contacted by the WCB in relation to that program?

30 A. It probably would have been the employee relations manager. He would look after that.



Q. You had no direct involvement yourself?

A. No.

5 Q. Are you able to recollect enough of the details of that program to assist us on its success or otherwise?

A. No. All I could tell you was somebody told me in the last year or so, I believe, or even longer, that some progress had been made. But that's all I can remember.

10 Q. That's your only recollection?

A. Yes, sir.

Q. Did you have, during the time you were at the plant, did you have employees whose sole responsibility was maintenance work?

15 A. Yes.

Q. Would you agree with me that employees doing maintenance work are likely at greater risk in terms of health hazards, than the normal employee, by virtue of the kind of work they do?

A. I would generally agree with that.

20 Q. Would you agree with that? Can you tell me whether there were any special precautions or otherwise that were applicable to maintenance workers that might not have been applicable to the ordinary employee at the plant?

A. I can recall when maintenance workers worked on dust collectors they were the first people that I can remember using coveralls, disposable paper coveralls, to go in and work on the dust collectors, and they had respirators and protective equipment that way.

25 Q. Was it a policy of the company that maintenance employees would use respirators?

30 A. I believe it was - as it would be with normal employees.



Q. How far back would that go? Did it go back to the time that you joined the company?

5 A. Well, there was an AR in that list of things for dust collector maintenance facilities at the plant in 1963, which was virtually when I joined the plant.

Q. Was, by the way, the use of respirators a negotiable issue in collective bargaining negotiations, or was it considered a prerogative of management?

10 A. The use of respirators?

Q. Yes. Is that something that was discussed at the bargaining table? Not only their use, but the kind of respirator you might have, the method of enforcing their use, when it would be used? Were issues pertaining to respirators a negotiable item, or considered the prerogative of management?

15 A. I never sat in on direct negotiations. It could have come up as discussion, but to me there were certain types of respirators we had to use, and if the standards were not acceptable, they were supposed to be used.

Q. Can you ever recall the subject of respirators being included in any of the collective agreements?

20 A. Not to my recollection.

Q. Not to your recollection.

All right. The Chairman asked you briefly about the no-smoking policy that appeared to have been implemented companywide in 1977, and as I understood your evidence, you indicated that you had implemented your own program a couple of years before that.

25 A. That's correct.

Q. What was your program? What did it involve?

30 A. As I recall, it was only where there was asbestos stored or used, and I believe we still permitted the employees to smoke in the lunch rooms.



5 Q. So I take it, then, the program went only so far as to prohibit smoking on the job, on the shop floor, as it were?

A. Yes. That's a good summation of it.

Q. And only in the asbestos operation?

A. Correct.

Q. Was there any educational program attached to it?

10 A. Yes, because there's some pamphlet that I saw, that was issued in 1975, and we had a...Bill Raitze came up and made a series of presentations at the plant. I don't recall the details of it, but I can remember him coming up and putting seven or eight presentations on, around the clock, in a period of two or three days...back in that time.

15 What exact year, I can't remember.

Q. I take it you can't...have you got any indication as to the success or otherwise of the program? Did anybody keep any statistics? Did anybody try to determine...

A. On how many people quit smoking?

Q. Or reduced their smoking.

20 A. I don't really know.

DR. DUPRE: You have referred in your answer to counsel's question to an education program having been mounted in 1975.

THE WITNESS: I believe it was then.

25 DR. DUPRE: Could I draw your attention to the Scarborough Board of Health resolution which you have stipulated you have not seen...

THE WITNESS: I didn't stipulate I haven't seen it. I don't recall seeing it.

30 DR. DUPRE: That you don't recall seeing it.

Let me draw your attention to page two, of the second statement following 'whereas':





5 DR. DUPRE: (cont'd.) "Whereas there was little evidence of an effective education program being provided to the workers in relation to the dangers of working with asbestos".

Is there any substance to that allegation, as of March 7th, 1975, to your recollection?

THE WITNESS: I can't really comment on that.

10 DR. DUPRE: Would it be likely that the education program to which you have referred in your dialogue with Mr. Laskin would have been initiated after March 7th, 1975?

THE WITNESS: The only probable way I could tell would be to check with Mr. Raitze and see if he can dig out his travel reports and find out when it was.

15 I'm not even sure it was 1975.

MR. LASKIN: Q. What about in terms of your own experience in working at the company, and even going back to the beginning, what information, if any, did you have about any potential health hazards of working with asbestos when, say, you joined the plant in 1963?

20 THE WITNESS: A. I joined the plant in 1962.

Q. 1962.

25 A. I can recall one of my initial making the rounds with the chap who was union president for many years, that I found out how to work a dust collector by putting my head inside the hopper bin and having somebody turn on the shaker and bury me in the hopper, with asbestos. That would be in 1963, when I was in maintenance...which was thought to be quite humorous at the time.

30 Q. I take it that the conclusion, an inference from that is, that certainly when you joined the plant in 1962 or 1963, nobody sat you down and said look, asbestos may be dangerous to your health and you should take every precaution to avoid exposure to it?



A. I don't recall that.

5 MR. EVANS: Mr. Chairman, excuse me. I object to that line of questioning. What Johns-Manville was doing two decades ago, I don't find to be within the parameters of this Commission, nor do I find what J-M's conduct was twenty years ago probative of the industry.

10 I suspect that it is the industry, not Johns-Manville, which is at issue here. For that reason, I would object to that line of questioning.

DR. DUPRE: Mr. Laskin?

15 MR. LASKIN: Well, Mr. Chairman, I would have thought one of the issues which this Commission is interested in is the kind of information that a company is prepared to provide to its employees, of which Johns-Manville may be only one example, but it is an example within this jurisdiction, to alert them to the possible health risks of a substance with which they worked.

20 From that point of view, in my submission, the line of questioning is relevant. I am not seeking to assess any fault or blame to anyone here. I'm just trying to find out what kinds of information pass between company and employee.

25 MR. EVANS: Mr. Chairman, if I might, I certainly have no objection to Mr. Laskin inquiring of this witness as to that specific area, although I find that with each year going into the past, it's of decreasing relevance and totally without any probative value in 1962.

If he is concerned about what J-M is doing in respect of the industry in 1978, that's fine.

30 DR. DUPRE: Your point is well taken, counsel, but the Commission reminds itself, of course, that the latency of the disease is such that there is something of material interest to the Commission even going back to 1962.

I also take it that we are not idly reconstructing



5 DR. DUPRE: (cont'd.) history in that counsel's question to this witness has to do specifically with his experience at the time he became an employee.

So I will rule your question in order, Mr. Laskin.

MR. LASKIN: Thank you, Mr. Chairman.

10 MR. LASKIN: Q. Well, Mr. Machin, let's just follow your own personal history, and only in the sense of giving us some idea of the kind of information, kinds of information you obtained over time.

Can you help us as to your best recollection as to when it was brought squarely to your attention that there may have been some health risk from using asbestos?

15 THE WITNESS: A. To the best of my recollection, and obviously with the equipment that we had in the plant, there was concerns with the dust level. But that example I just gave you, I think, indicated the seriousness with which we took it at the plant at that time.

20 I think as we continued through, the maintenance on the collectors was given good priority and work was always done on weekends on them to make sure they were ready for next week, but to try and recall an actual time of when...I personally quit smoking in 1973.

Going back, like, the dust collector when it went in in the wet-end, it's 1968, I think the listing shows there.

25 It got to be a concern that I can vaguely recall, but people...everyone was getting concerned that, you know, when the gates didn't work right between the wet-end and the dry-end collector, that we had to do something about it to get it working right.

30 It's hard to pin any specific reference points to it.

Q. Do you recall any evidence of asbestosis in





Q. (cont'd.) the plant, say between 1962 and 1970?

A. How would I recall it?

Q. Well, do you recall any of your fellow workers or anybody in the plant contracting asbestosis on the job?

A. Not that I can recall.

Q. Do you recall any malignancies in that period?

A. I don't even know how I would know about that.

Q. Do you recall anybody sitting you down and...not you alone, but you amongst a group of employees, and conducting any seminar or educational program designed to talk about possible health hazards of asbestos?

A. Not to my recollection, except for the ones I mentioned earlier. When this Bill Raitze came up and we talked about it.

Q. About smoking?

A. That was to do with health.

Q. About health as well? Did Dr. Kotin, to your recollection, ever visit the plant?

A. I don't recall.

Q. You don't recall?

A. I don't remember meeting him at the plant. He might have.

Q. Do I take it from...you filed this exhibit, brought with you this exhibit sixty-seven, which was a list of capital expenditures. I just want to make sure as to what period of time this list represents. Do I take it that this list is intended to show all of the capital expenditures at the plant from the time it opened until the date of the list?

Have you got a copy in front of you?

A. I believe, you know, looking at the title at it, it referred to the transite pipe shop only.

Yet on the bottom of page four, there's a T-12



A. (cont'd.) conversion there.

5 Q. What I just want to make sure of, am I correct in reading this document to say that during the years 1948 to 1960, there were no capital expenditures on improvements in the transite pipe section?

A. I don't think that would be correct at all. I would be virtually certain there would be numerous projects that would be done.

10 Q. Well, I'm looking at the first sentence of the summary, in conjunction with the list of items.

A. Yes?

Q. It seems to suggest that workplace dust control was provided systems installed during construction of the plant.

15 A. That's a general statement. I would be virtually certain there would be many projects that would be done to improve the operations, whether they are recorded or logged in the plant, I don't know.

This list would probably be taken from an appropriation list.

20 Q. I take it you can't help us as to what explanation, if any, there is for the fact that there are no appropriations shown prior to 1960?

A. It could have been the request was just asked to start then. We could pursue that further if you wish.

25 Q. Now, did you from time to time, while you were plant manager, receive inspection reports from the occupational health branch in the Ministry of Labour?

A. Hygiene survey results? Or safety inspections?

Q. Yes.

A. Yes, I recall that.

30 Q. All right. Although we don't have any in front of us, my recollection is that from time to time those reports



Q. (cont'd.) might suggest areas for improvement?

A. Yes, I can recall safety railing and things like that.

Q. What happened to those reports that suggested those kinds of improvements? What did you or anyone within the company do with them?

A. To generalize, the ones that we had to do would be given to the plant engineering group to get done.

Q. Would they be funnelled down to Denver, or would they be done within the Toronto operation?

A. It would depend on the money required to complete them.

Q. But I take it, then, it's possible that those reports from the ministry might themselves have resulted in capital allotments to make capital improvements?

A. Possibly.

Q. Possibly.

A. My recollection is that many of them would be minor items that could be done within plant expense.

Q. You also filed exhibit sixty-eight, which was the list of the tonnage of asbestos fiber type by usage at the plant, and I'm curious as to amosite, which on exhibit sixty-eight appears to have been used in only three years - 1974, 1975 and 1976. Can you tell us why?

A. To my recollection, the thing we were looking for with amosite was an improved filtration. It's vague, but as I recall, amosite fiber was a better filtering fiber, to my knowledge, and they were trying to determine what blends we could get that would filter on the machines well.

Q. Is that the only three years...and this document only goes back to 1972, but can you help us as to whether that's the only three years in which amosite was used?



5 A. I can't help you further than that. I asked the plant to dig out what they could, and that's as far back as their records go, to my understanding.

Q. They haven't got anything prior to 1972?

A. Not to my knowledge.

Q. You haven't got any personal recollection of your own?

10 A. No, I do not, and I also checked our customer service unit, and they don't have anything.

Q. Then just a word about inspection. In terms of the inspections that were done by your own hygienists, did you know in advance when they were going to be taking place?

15 A. Yes. They would let us know when they were planning to come, so that we could make sure that we were running the plant, not having a vacation shutdown and some machine shut down that they might want to study.

Q. In terms of the government inspections that were done, did you know in advance when they were coming?

20 A. To my knowledge, they were on the spur of the moment, unannounced, that I'm aware of.

Q. How often did they take place?

A. I don't really recall, but it seemed maybe once a year, average. That's a guesstimate.

25 Q. Okay. And then Mr. Starkman asked you about double lockers and showers and so on, and their installation, which was about 1978?

A. I believe the list shows pipe in 1975, and insulation in 1978.

Q. What was the pre-installation situation?

30 A. In both locations we had lockers for the employees and quite good shower facilities, and wash basins, and the normal sinks and toilets.





5 DR. DUPRE: In connection with that question, counsel, may I draw your attention, if I might, Mr. Machin, again to the Scarborough Board of Health resolution?

10 Now, I wish to draw your attention specifically to the second-last whereas that appears on page one. Here it is alleged that having visited the J-M plant on February 24th, 1975, it was apparently ascertained from employees that they are not required to wear coveralls or change clothing before returning home.

Now, does this correctly portray the situation in the plant, as you recall it, at that time?

15 THE WITNESS: Relating back that the funds were approved in that other listing, 1975, that would apparently be the conditions.

DR. DUPRE: That would still be the condition as of February 24th, 1975.

THE WITNESS: It usually takes about a year for a project to get implemented.

20 DR. DUPRE: And the 1975 project, of course, was meant precisely to rectify this situation?

THE WITNESS: Yes.

25 MR. LASKIN: Q. Did it have a coverall policy attached to it? I mean, in addition to double lockers and showers, was there some policy with respect to overalls or coveralls?

THE WITNESS: A. We had a coverall procedure. I think we gave every employee five sets of coveralls. Exactly when that was implemented, I don't recall. I think it was when I was at the plant.

30 We had disposable coveralls prior to that, that employees could ask for from their supervisor whenever they



A. (cont'd.) required them on a job.

Again, the maintenance department used them more frequently than production people.

Then we went to a full-fabric type set of five coveralls that we gave employees.

DR. DUPRE: Now, I just draw your attention to the wording of that allegation, which is that employees were not required to wear coveralls.

That, of course, does not necessarily suggest that coveralls were not available. So would coveralls have been available at this time, and is this meant to suggest simply that employees were not necessarily required to wear them?

I'm really asking for your recollection of the situation in that time, as it existed in early 1975.

THE WITNESS: To my recollection, an employee had available to him paper coveralls whenever he wanted them to do a job in the plant that required that kind of material for some kind of a job that was abnormally dirty or exposed, or whatever - such as, I guess, going into a dust collector or mucking out some machine or something.

I think the inference I can also read from that is that there was no policy that required employees to have a change of clothing. We put that in on a voluntary basis at the plant, to improve the working conditions.

MR. LASKIN: Can I suggest, Mr. Chairman, since we have referred at some length to this resolution, that we formally make it part of this record, appreciating that the witness...

DR. DUPRE: I'm sorry. I lost track of the exhibit numbers.

MR. LASKIN: ...simply with the caveat that the witness can't recollect it specifically, but with that caveat it



MR. LASKIN: (cont'd.) becomes exhibit sixty-nine.

5 MR. EVANS: Mr. Chairman, I would object to that on the grounds that it hasn't been authenticated in any fashion whatsoever. It's simply something proffered by counsel, and it is more than a case of the witness not being able to recollect specifically about it. He doesn't recollect anything generally about this resolution.

10 DR. DUPRE: I think the witness has made it clear that he does not recollect anything about seeing this resolution either specifically or generally.

15 My question, counsel, to the witness was simply meant to get from him some feeling for the extent to which an allegation that is made here might have had some basis in his recollection, or otherwise.

20 I feel quite comfortable, unless my colleague wishes to consult with me, about having this on the record. This is very much of a local board of health and it is, I can assure you, counsel, well within our jurisdiction to check out whether this document did in fact originate from there.

I am prepared on the face of the letterhead and the names that appear, to take it as having come from the Scarborough Board of Health, at this time. We certainly can dig into that if you wish us to do so, and we will inform you...to confirm that document.

25 MR. EVANS: I would still, Mr. Chairman, like to stand on my objection in the absence of checking out, so to speak. I don't think it's proper that counsel can introduce a record and self-authenticate it with his own questions, without benefit of a witness's recognition of that document.

30 With that type of procedure, I could take any number of documents and introduce them myself, without benefit of a witness. So I will stand on that objection.





DR. DUPRE: That objection certainly can and should stand on the record, as should my questions and the answers to them.

I should remind you, of course, counsel, that it is well-established in Ontario law that royal commission inquiries such as this one are not bound by the strict rules of evidence. But that, of course, should well be reflected on the record as well.

Mr. Laskin?

MR. LASKIN: I have no further questions, Mr. Chairman.

EXHIBIT # 69: The abovementioned document was then produced and marked.

DR. DUPRE: Dr. Uffen?

DR. UFFEN: I've got one. I'm still trying to figure out the organization and the reporting procedures of this huge corporation, so if I could ask you to go back to this chart again?

As it stands now, are you called, or do you consider yourself, to be both general production manager and vice-president production of Manville Canada?

THE WITNESS: I am a vice-president of Manville Canada Inc., and the general production manager.

DR. UFFEN: And a general production manager of Manville Canada Incorporated?

THE WITNESS: Yes.

DR. UFFEN: Are you, or do you consider yourself to be, an officer of Manville Canada Incorporated?

THE WITNESS: I believe that was on this handout that I...

DR. UFFEN: Which handout? Normally we have a



5 DR. UFFEN: (cont'd.) have a group of things...oh, this has the board of directors of Manville Canada, and you are on it?

THE WITNESS: That's correct.

DR. UFFEN: So you are an officer of the Canadian company?

THE WITNESS: Yes.

10 DR. UFFEN: I wasn't sure whether you were or not, but I'm glad to have that confirmed.

Now, as an officer of Manville Canada, can you tell me who is responsible for the maintenance of the medical records of your present employees in your Toronto plant?

15 THE WITNESS: They would come under the medical group that work at Toronto plant.

DR. UFFEN: The medical group. Could you explain to me what you mean by the medical group?

THE WITNESS: We have a doctor on retainer, and a full-time resident nurse, who keep the records under the employee relations manager's responsibility.

20 DR. UFFEN: Are any of your present employees in the Toronto plant, whose medical records are included there, employees who worked in the plant at a time when asbestos was used?

THE WITNESS: Could you repeat that, please?

25 DR. UFFEN: Are any of the present employees in the Toronto plant whose medical records are in care of the group you just described, currently employed...were they employed at the plant at the time when asbestos was used?

THE WITNESS: I would be virtually certain there would be employees of that category.

30 DR. UFFEN: Who has the authority to release those medical records to a medical officer of the Workmen's Compensation



DR. UFFEN: (cont'd.) Board of Ontario?

THE WITNESS: To my knowledge, we would have to receive the consent of the employee.

DR. UFFEN: The employee doesn't have the medical records, so he can't release it. Who would release it? I want the actual individual.

THE WITNESS: Once all the clearances were obtained, it would be the employee relations manager, I would imagine, who would let that person into the plant facility to get into those records.

I think that's an area where Dr. Kotin could answer better.

DR. UFFEN: Well, you are an officer of Manville Canada, and so if you don't mind I would like to put these questions to you in your capacity as that.

Dr. Kotin isn't, but we may ask him similar questions anyway.

Now, you said once all required clearances are received. What do you mean by that?

THE WITNESS: I don't know what clearances are required. I know that the employee himself would have to clear it.

DR. UFFEN: I've got that one. But you said that once all the clearances that were required?

THE WITNESS: Well, would it have to go to another medical doctor only? Could it go to anyone else? I don't know that.

DR. UFFEN: Well, you are an officer of this company, involved and responsible for the policy making of Manville Canada, and...

THE WITNESS: That is not correctly true.

DR. UFFEN: Oh, could you explain why not, then?

THE WITNESS: I might accept certain policy, but



THE WITNESS: (cont'd.) I don't make policy as an officer of the corporation.

DR. UFFEN: Well, who does?

THE WITNESS: A lot of policy is already established. In my tenure in my position, I have not established any policy.

DR. UFFEN: What about if there was a new policy contemplated for Manville Canada, would you as an officer of the corporation not be involved?

THE WITNESS: I'm not sure whether I would or not.

DR. UFFEN: I see.

DR. DUPRE: Do I take it that your uncertainty is grounded in part on the extent to which any of a number of policies, particularly policies as they pertain to HS and E, would be forthcoming from Denver?

THE WITNESS: No. It's probably to the extent that I've only been in that position for a year.

DR. UFFEN: But the corporation has only been in existence for a year. Were you the first vice-president production of Manville Canada?

THE WITNESS: No, I'm not.

DR. UFFEN: Who preceeded you as vice-president production of Manville Canada?

THE WITNESS: Bill Ayerst.

DR. UFFEN: What was his title?

THE WITNESS: He was vice-president and general production manager.

DR. UFFEN: How long was he both vice-president and production manager?

THE WITNESS: Approximately two years.

DR. UFFEN: Could you tell me the period, then?

THE WITNESS: Approximately early 1979 to March or April of 1981.





DR. DUPRE: So he would have had that position within Johns-Manville Canada Incorporated, as distinct from Manville Canada Incorporated?

DR. UFFEN: It was clearly spelled out to us that Johns-Manville Canada now operates primarily in Quebec in the asbestos mining activities through that Canadian corporation.

THE WITNESS: No.

DR. UFFEN: He preceded you as vice-president production of Manville Canada?

THE WITNESS: No.

DR. UFFEN: So you are, then, the first vice-president and general production manager of Manville Canada?

THE WITNESS: Correct.

DR. UFFEN: Oh, I'm glad we got that clarified, because I thought we had lost a bit of history. It's difficult enough to remember ten years ago. I would hope that it was going to be less difficult to remember two years.

DR. DUPRE: No further questions, Dr. Uffen?

DR. UFFEN: No.

MR. STARKMAN: Mr. Chairman, I have a couple of very brief questions of clarification which arose out of Mr. Laskin's questions, if I may?

DR. DUPRE: Yes, you may, counsel.

CROSS-EXAMINATION BY MR. STARKMAN

Q. I guess this question arose out of your question which concerned the time of the introduction of the smoking ban in the transite pipe division at Scarborough. I have a notice here, which is to all employees, concerning smoking and asbestos. I was wondering if you might recognize that notice?

DR. DUPRE: Do you wish to look at that, Mr. Evans?



MR. EVANS: I would like to.

THE WITNESS: I don't recall it.

MR. STARKMAN: Well, the witness said he doesn't recall it, but it does say, Smoking and Asbestos, to all employees, and it deals with the ban on smoking in the transite pipe division of the plant in Scarborough, and it's dated May 29th, 1975.

I would be glad to let the Commission look at it.

DR. DUPRE: Perhaps we should give it an exhibit number, counsel.

MR. LASKIN: Sure.

DR. DUPRE: Lest it be lost from sight.

MR. LASKIN: Seventy.

EXHIBIT # 70: The abovementioned document was then produced and marked.

MR. STARKMAN: Q. I just have two other brief questions. One is, Mr. Laskin was asking you about the rehabilitation program established by the Workmen's Compensation Board, and I'm just wondering if you recall meeting with Dr. Stewart to discuss that program?

THE WITNESS: A. I met Dr. Stewart once, and I don't know what the occasion was, quite frankly.

Q. You mean you don't remember what you discussed at that meeting?

A. I just remember seeing him.

Q. You don't recall any involvement with the rehab program?

A. No, I don't recall anything.

Q. Could there have been someone else under your control who was involved with the rehab program?

A. Oh, yes. I would be certain Rollie Wilson,



5 A. (cont'd.) as employee relations manager, would have been in on that. But if he met with Stewart or not, I don't know.

Q. All right.

10 The other question that was asked was whether Dr. Kotin had come to Toronto and visited the plant. I don't recall the...I believe you said that he had not come to the plant, that you don't recall?

A. I don't recall him being at the plant.

Q. You do recall, though, meeting ...

A. He was here once for a television program, and I remember meeting him at the Canadiana, and he went on TV.

15 Q. Do you recall a meeting at the Four Seasons Sheraton Hotel, Dr. Kotin, William Reese, yourself, Rudy (sic) Wilson?

A. No, I don't.

MR. STARKMAN: Okay. I have no further questions.

20 DR. DUPRE: I just have one last question, if I may. I again would like to draw your attention to what purports to be the resolution of the Scarborough Board of Health, and to draw your attention to the very top of page two, where here it is alleged that at this particular period in time workers were not wearing the regulation air-filtering respirators, but rather surgical masks.

25 May I ask whether, at this time, surgical masks were commonly in use as respiratory protection in the plant?

THE WITNESS: In common use? I can recall employees in the plant wearing these little white respirators that had a pinchable metal nosepiece over them, if that's what a surgical mask is.

30 DR. DUPRE: To the extent that you recall that,





5 DR. DUPRE: (cont'd.) were these provided at the time by the company, was it a matter of company policy to make them available?

THE WITNESS: I don't know where else they would have come from.

DR. DUPRE: That is all I wish to ask at this point. Mr. Lederer?

10 MR. LEDERER: Mr. Chairman, I don't want to carry on what might be a bad precedent, but there are one or two questions I would like to ask the witness, if that's not unacceptable to you.

It's not so much...

15 DR. DUPRE: That's quite acceptable in that I am very much eager to expedite the process of these hearings, and also to expedite witness time, so by all means.

MR. LEDERER: Thank you, sir.

CROSS-EXAMINATION BY MR. LEDERER

20 Q. Mr. Machin, let me just say to you at the outset that I considered asking you these questions the first time around and rejected the idea on the theory that it might be a little bit of unfair, but now that I've listened to you for the last two or three hours, I'm not so sure that it is.

Do I understand that you were here on Wednesday, when Mr. Cashman gave evidence?

25 A. Most of the time he was here, I was here. Yes.

30 Q. Were you here when...you will recall I asked you about the Workmen's Compensation Board policy, or rather any policy that Johns-Manville might have with respect to its response to claims. Do you recall that question that I asked you, when I asked you about that earlier, and you said you weren't aware of any policy and you didn't know anything about this



Q. (cont'd.) area particularly?

5 A. I don't know whether I said that I wasn't aware of any policy or not. I don't have that much knowledge in that area, that's true.

Q. Were you here when I asked that question of Mr. Cashman last week?

A. I believe I was.

10 Q. All right. Did you hear him say that he believed that you are the man who would know the answer to the question?

A. He said that a number of times.

Q. All right. Do you remember that particular time?

A. Not to be specific, but slightly.

15 Q. All right. Do you recall when I said to Mr. Cashman, would he refer the question to you so that you would be able to answer it when it became your turn to give evidence, as it has today?

A. I recall you asking him that, yes.

Q. All right.

20 Now, I asked you the question and you said that you weren't aware of any policy, you didn't know.

May I ask you...let me ask you one other series of questions before I get to the final question...did I understand you earlier today to say that the person who was responsible for Workmen's Compensation Board policy was in fact somebody who reported to you, and that in fact you had in a sense delegated that responsibility...and I think the word delegated is your word?

25 A. That's correct.

Q. Well, do I understand then...sorry, let me go back again.

30 May I ask you, since last Wednesday, have you made any effort at all to talk to anybody, particularly the person to whom you have apparently delegated this responsibility, to find



Q. (cont'd.) out whether or not there was any policy with respect to the way in which this company responds to claims through the Workmen's Compensation Board?

A. Yes.

Q. I beg your pardon?

A. Yes.

Q. All right. Who did you ask?

A. I talked to the plant nurse, and I talked to the doctor on retainer, and asked them if they could try and get in touch with Denver and chase down what information might be available.

Q. Do I take it that they haven't had time to give you a response in the interim?

A. That's correct.

Q. All right. Did you talk to the person to whom you have delegated this responsibility, or is that one of the two people you have mentioned?

A. The person that I delegated the responsibility to back in my period as plant manager, 1973/1978, is that your question?

Q. Well, now I thought we were...now, I'm completely lost. I thought we were dealing with your current position, and that you were currently responsible for the area of Workmen's Compensation, but that you had delegated that authority to somebody else, somewhere else.

A. No. The Workmen's Compensation is at the plant with the employee relations manager.

Q. Well, all right, but presumably every responsibility works its way up to the company hierarchy in some way. Does this not work its way up to you eventually, or does it go through some other chain entirely, to Mr. Cashman?

A. I guess you could say I'm tied in somewhere





5 A. (cont'd.) on the chain, but not directly, yes.  
The question that you asked Mr. Cashman...I checked with him this  
morning...and he had not got any information back yet either.

Q. Okay.

A. So we were pursuing it.

10 Q. That was really what I was after, whether any  
effort had been made to pursue it, because it really wasn't clear  
to me from what I had heard to this point whether that was the  
case or not.

Thank you, Mr. Chairman, I apologize for taking  
time unnecessarily.

DR. DUPRE: May I thank you, Mr. Machin, for  
your attendance today.

15 Now, may I ask, is Mr. Girdouskas here?

UNIDENTIFIED SPEAKER: Yes, he is, Mr.  
He is outside the hearing room, but he is here.

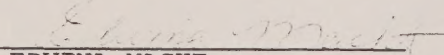
20 DR. DUPRE: Okay. Well, you can convey to him  
that he has been most patient indeed, and may we indulge on  
his patience for another fifteen minutes or so so that we may  
have a break, and reconvene at, say twenty past?

UNIDENTIFIED SPEAKER: I'm sure there will be  
no problem with that.

DR. DUPRE: Thank you, very much.

25 THE INQUIRY RECESSED  
- - - - -

THE FOREGOING WAS PREPARED  
FROM THE TAPED RECORDINGS  
OF THE INQUIRY PROCEEDINGS

  
EDWINA MACHT

30 (REPORTER'S NOTE: For ensuing proceedings, see Volume 45 B)







